

# 2021

# DIGEST OF BILLS

Enacted by The Seventy-third General Assembly  
First Regular Session



Prepared by the Office of Legislative Legal Services

July 2021



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Health Care Policy and Financing . . . . .	190
Human Services - Behavioral Health. . . . .	201
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## PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventy-third General Assembly at its First Regular Session ending June 8, 2021. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

### HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2021 session compared to the two prior sessions, see the Legislative

Statistical Summary, page vii.

9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xi.

10. The general assembly adjourned sine die on the 116th legislative day, June 8, 2021. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Monday, September 6, 2021. The effective date for such bills is therefore 12:01 a.m., on Tuesday, September 7, 2021, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Friday, September 3, 2021.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2021.

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## LEGISLATIVE STATISTICAL SUMMARY

	2021		2020		2019	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	330	263	427	225	335	242
Senate Bills	293	245	224	104	263	218
Concurrent Resolutions	3	0	5	2	3	0
<b>Bills signed by Governor</b>	502		326		454	
<b>Bills becoming law without Governor's signature</b>	2		0		0	
<b>Bills partially vetoed by the Governor</b>	0		0		0	
<b>Bills vetoed by the Governor</b>	4		3		5	
<b>Bills referred to the People/Ballot questions</b>	0		1		1*	

*\* Referred to the ballot and did not require action by the Governor.*

### **BILLS VETOED BY THE GOVERNOR:**

**H.B. 21-1024   H.B. 21-1092   H.B. 21-1196   H.B. 21-1254**

### **BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:**

**H.B. 21-1051   S.B. 21-147**

### **BILLS WITH PORTIONS VETOED BY THE GOVERNOR:**

none

**Bills enacted *without a Safety Clause*\***:

<b>House Bills -</b>				
H.B. 21-1009	H.B. 21-1069	H.B. 21-1141	H.B. 21-1193	H.B. 21-1247
H.B. 21-1010	H.B. 21-1071	H.B. 21-1142	H.B. 21-1194	H.B. 21-1248
H.B. 21-1012	H.B. 21-1073	H.B. 21-1145	H.B. 21-1195	H.B. 21-1249
H.B. 21-1013	H.B. 21-1075	H.B. 21-1147	H.B. 21-1198	H.B. 21-1254-v
H.B. 21-1014	H.B. 21-1084	H.B. 21-1148	H.B. 21-1200	H.B. 21-1267
H.B. 21-1016	H.B. 21-1092-v	H.B. 21-1150	H.B. 21-1208	H.B. 21-1274
H.B. 21-1019	H.B. 21-1095	H.B. 21-1151	H.B. 21-1209	H.B. 21-1275
H.B. 21-1021	H.B. 21-1099	H.B. 21-1152	H.B. 21-1212	H.B. 21-1280
H.B. 21-1024-v	H.B. 21-1100	H.B. 21-1153	H.B. 21-1214	H.B. 21-1282
H.B. 21-1025	H.B. 21-1102	H.B. 21-1154	H.B. 21-1217	H.B. 21-1284
H.B. 21-1028	H.B. 21-1104	H.B. 21-1156	H.B. 21-1218	H.B. 21-1286
H.B. 21-1030	H.B. 21-1105	H.B. 21-1157	H.B. 21-1219	H.B. 21-1291
H.B. 21-1044	H.B. 21-1108	H.B. 21-1158	H.B. 21-1222	H.B. 21-1292
H.B. 21-1045	H.B. 21-1111	H.B. 21-1160	H.B. 21-1223	H.B. 21-1293
H.B. 21-1046	H.B. 21-1115	H.B. 21-1167	H.B. 21-1225	H.B. 21-1300
H.B. 21-1048	H.B. 21-1116	H.B. 21-1173	H.B. 21-1226	H.B. 21-1301
H.B. 21-1050	H.B. 21-1117	H.B. 21-1177	H.B. 21-1227	H.B. 21-1303
H.B. 21-1051	H.B. 21-1119	H.B. 21-1178	H.B. 21-1229	H.B. 21-1306
H.B. 21-1052	H.B. 21-1123	H.B. 21-1180	H.B. 21-1236	H.B. 21-1307
H.B. 21-1056	H.B. 21-1128	H.B. 21-1181	H.B. 21-1238	H.B. 21-1310
H.B. 21-1061	H.B. 21-1131	H.B. 21-1186	H.B. 21-1239	H.B. 21-1322
H.B. 21-1063	H.B. 21-1137	H.B. 21-1187	H.B. 21-1241	H.B. 21-1323
H.B. 21-1065	H.B. 21-1140	H.B. 21-1188	H.B. 21-1245	H.B. 21-1324
H.B. 21-1066		v - vetoed		

<b>Senate Bills -</b>				
S.B. 21-004	S.B. 21-040	S.B. 21-107	S.B. 21-157	S.B. 21-193
S.B. 21-006	S.B. 21-056	S.B. 21-115	S.B. 21-158	S.B. 21-194
S.B. 21-008	S.B. 21-063	S.B. 21-119	S.B. 21-160	S.B. 21-198
S.B. 21-009	S.B. 21-065	S.B. 21-123	S.B. 21-162	S.B. 21-217
S.B. 21-011	S.B. 21-067	S.B. 21-124	S.B. 21-167	S.B. 21-246
S.B. 21-015	S.B. 21-069	S.B. 21-126	S.B. 21-169	S.B. 21-249
S.B. 21-017	S.B. 21-070	S.B. 21-129	S.B. 21-171	S.B. 21-253
S.B. 21-020	S.B. 21-075	S.B. 21-133	S.B. 21-173	S.B. 21-254
S.B. 21-021	S.B. 21-077	S.B. 21-135	S.B. 21-174	S.B. 21-255
S.B. 21-022	S.B. 21-078	S.B. 21-143	S.B. 21-185	S.B. 21-262
S.B. 21-025	S.B. 21-082	S.B. 21-145	S.B. 21-188	S.B. 21-269
S.B. 21-026	S.B. 21-084	S.B. 21-153	S.B. 21-190	S.B. 21-270
S.B. 21-032	S.B. 21-090	S.B. 21-154	S.B. 21-191	S.B. 21-271
S.B. 21-035	S.B. 21-091	S.B. 21-155	S.B. 21-192	S.B. 21-284
S.B. 21-038		v - vetoed		

\* These bills become effective on September 7, 2021, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

**Enacted bills recommended by Statutory and Interim Committees:**

<b>Capital Development Committee:</b>				
H.B. 21-1126	H.B. 21-1174			
<b>Colorado Commission on Uniform State Laws:</b>				
H.B. 21-1004		S.B. 21-143	S.B. 21-162	S.B. 21-171
<b>Committee on Legal Services:</b>				
H.B. 21-1137		S.B. 21-068	S.B. 21-152	S.B. 21-266
<b>Executive Committee of the Legislative Council:</b>				
HJR 21-1008		S.B. 21-196		
<b>Joint Budget Committee (other than supplementals):</b>				
S.B. 21-053	S.B. 21-209	S.B. 21-217	S.B. 21-224	S.B. 21-275
S.B. 21-054	S.B. 21-210	S.B. 21-218	S.B. 21-225	S.B. 21-276
S.B. 21-055	S.B. 21-211	S.B. 21-219	S.B. 21-226	S.B. 21-277
S.B. 21-083	S.B. 21-212	S.B. 21-220	S.B. 21-227	S.B. 21-278
S.B. 21-109	S.B. 21-213	S.B. 21-221	S.B. 21-228	S.B. 21-281
S.B. 21-206	S.B. 21-214	S.B. 21-222	S.B. 21-267	S.B. 21-283
S.B. 21-207	S.B. 21-215	S.B. 21-223	S.B. 21-274	S.B. 21-286
S.B. 21-208	S.B. 21-216			
<b>Joint Technology Committee:</b>				
H.B. 21-1236		S.B. 21-141		
<b>Legislative Audit Committee:</b>				
H.B. 21-1066	H.B. 21-1148	H.B. 21-1249	HJR 21-1007	S.B. 21-198
H.B. 21-1123				
v - vetoed				

**Enacted bills recommended by Statutory and Interim Committees:**

(cont.)

**Statutory Revision Committee:**

<b>H.B. 21-1146</b>	<b>H.B. 21-1154</b>	<b>H.B. 21-1157</b>	<b>H.B. 21-1178</b>	<b>S.B. 21-254</b>
<b>H.B. 21-1152</b>	<b>H.B. 21-1155</b>	<b>H.B. 21-1158</b>	<b>H.B. 21-1196-v</b>	
<b>H.B. 21-1153</b>	<b>H.B. 21-1156</b>	<b>H.B. 21-1177</b>	<b>H.B. 21-1316</b>	

**Sunset Review Process:**

<b>S.B. 21-092</b>	<b>S.B. 21-096</b>	<b>S.B. 21-099</b>	<b>S.B. 21-102</b>	<b>S.B. 21-136</b>
<b>S.B. 21-093</b>	<b>S.B. 21-097</b>	<b>S.B. 21-100</b>	<b>S.B. 21-103</b>	<b>S.B. 21-144</b>
<b>S.B. 21-094</b>	<b>S.B. 21-098</b>	<b>S.B. 21-101</b>	<b>S.B. 21-104</b>	<b>S.B. 21-147</b>
<b>S.B. 21-095</b>				

v - vetoed

**Acts with July 1, 2021, and later effective dates:**

<b>July 1, 2021</b>				
H.B. 21-1007 H.B. 21-1057 H.B. 21-1106	H.B. 21-1220* H.B. 21-1276* H.B. 21-1305	H.B. 21-1312* H.B. 21-1316	S.B. 21-039 S.B. 21-064	S.B. 21-098 S.B. 21-148
<b>July 2, 2021</b>				
H.B. 21-1171 H.B. 21-1174 H.B. 21-1266	H.B. 21-1273 H.B. 21-1294	H.B. 21-1313 H.B. 21-1320	S.B. 21-018 S.B. 21-233	S.B. 21-266* S.B. 21-287
<b>July 6, 2021</b>				
H.B. 21-1005 H.B. 21-1068 H.B. 21-1162* H.B. 21-1230	H.B. 21-1250 H.B. 21-1251 H.B. 21-1279	H.B. 21-1297 H.B. 21-1314* H.B. 21-1315*	S.B. 21-016 S.B. 21-027 S.B. 21-071 S.B. 21-108	S.B. 21-138 S.B. 21-146 S.B. 21-181 S.B. 21-290
<b>July 7, 2021</b>				
H.B. 21-1077 H.B. 21-1087 H.B. 21-1101*	H.B. 21-1109 H.B. 21-1278 H.B. 21-1283	H.B. 21-1288 H.B. 21-1289* H.B. 21-1321	S.B. 21-076 S.B. 21-106	S.B. 21-172*
<b>September 1, 2021</b>				
H.B. 21-1060 H.B. 21-1064 H.B. 21-1101*	S.B. 21-092 S.B. 21-093 S.B. 21-094* S.B. 21-095	S.B. 21-097 S.B. 21-099 S.B. 21-100 S.B. 21-101	S.B. 21-102 S.B. 21-103 S.B. 21-104 S.B. 21-136	S.B. 21-144 S.B. 21-147 S.B. 21-266*
<b>September 2, 2021</b>				
S.B. 21-237				
*- portions				

**Acts with July 1, 2021, and later effective dates: (cont.)**

<b>September 7, 2021</b>				
<b>House Bills -</b>				
H.B. 21-1009	H.B. 21-1069	H.B. 21-1142	H.B. 21-1188	H.B. 21-1241
H.B. 21-1010	H.B. 21-1073	H.B. 21-1145	H.B. 21-1193	H.B. 21-1245
H.B. 21-1012	H.B. 21-1075	H.B. 21-1147	H.B. 21-1194	H.B. 21-1247
H.B. 21-1013	H.B. 21-1084	H.B. 21-1148	H.B. 21-1195	H.B. 21-1248
H.B. 21-1016	H.B. 21-1099	H.B. 21-1150	H.B. 21-1198	H.B. 21-1249
H.B. 21-1019	H.B. 21-1100	H.B. 21-1151	H.B. 21-1200	H.B. 21-1267
H.B. 21-1021	H.B. 21-1102	H.B. 21-1152	H.B. 21-1208	H.B. 21-1274
H.B. 21-1025	H.B. 21-1104	H.B. 21-1153	H.B. 21-1209	H.B. 21-1275
H.B. 21-1028	H.B. 21-1105	H.B. 21-1154	H.B. 21-1212	H.B. 21-1280
H.B. 21-1030	H.B. 21-1108	H.B. 21-1156	H.B. 21-1214	H.B. 21-1284
H.B. 21-1044	H.B. 21-1111	H.B. 21-1157	H.B. 21-1217	H.B. 21-1286
H.B. 21-1045	H.B. 21-1115	H.B. 21-1158	H.B. 21-1218	H.B. 21-1291
H.B. 21-1046	H.B. 21-1116	H.B. 21-1160	H.B. 21-1219	H.B. 21-1293
H.B. 21-1048	H.B. 21-1117	H.B. 21-1167	H.B. 21-1222	H.B. 21-1300
H.B. 21-1050	H.B. 21-1119	H.B. 21-1173	H.B. 21-1223	H.B. 21-1301
H.B. 21-1051	H.B. 21-1123	H.B. 21-1177	H.B. 21-1225	H.B. 21-1303
H.B. 21-1052	H.B. 21-1128	H.B. 21-1178	H.B. 21-1226	H.B. 21-1306
H.B. 21-1056	H.B. 21-1131	H.B. 21-1180	H.B. 21-1227	H.B. 21-1307
H.B. 21-1061	H.B. 21-1137	H.B. 21-1181	H.B. 21-1229	H.B. 21-1310
H.B. 21-1063	H.B. 21-1140	H.B. 21-1186	H.B. 21-1236	H.B. 21-1323
H.B. 21-1065	H.B. 21-1141	H.B. 21-1187*	H.B. 21-1238	H.B. 21-1324
H.B. 21-1066				
<b>Senate Bills -</b>				
S.B. 21-004	S.B. 21-038	S.B. 21-090	S.B. 21-157	S.B. 21-194
S.B. 21-006	S.B. 21-040	S.B. 21-107	S.B. 21-158	S.B. 21-198
S.B. 21-008	S.B. 21-056	S.B. 21-115	S.B. 21-160	S.B. 21-217
S.B. 21-009	S.B. 21-063	S.B. 21-119	S.B. 21-162	S.B. 21-246
S.B. 21-011	S.B. 21-065	S.B. 21-123	S.B. 21-167	S.B. 21-249
S.B. 21-015	S.B. 21-067	S.B. 21-126	S.B. 21-169	S.B. 21-253
S.B. 21-017	S.B. 21-069	S.B. 21-129	S.B. 21-174	S.B. 21-254
S.B. 21-020	S.B. 21-070	S.B. 21-133	S.B. 21-185	S.B. 21-255
S.B. 21-021	S.B. 21-075	S.B. 21-135	S.B. 21-188	S.B. 21-262
S.B. 21-022	S.B. 21-077	S.B. 21-145	S.B. 21-191	S.B. 21-269
S.B. 21-025	S.B. 21-078	S.B. 21-153	S.B. 21-192	S.B. 21-270
S.B. 21-032	S.B. 21-082	S.B. 21-154	S.B. 21-193	S.B. 21-284
S.B. 21-035	S.B. 21-084	S.B. 21-155		
		* - portions		

**Acts with July 1, 2021, and later effective dates: (cont.)**

<b>September 15, 2021</b>			
<b>S.B. 21-124</b>			
<b>October 1, 2021</b>			
<b>H.B. 21-1091*</b>	<b>H.B. 21-1315*</b>	<b>S.B. 21-059</b> <b>S.B. 21-066*</b>	<b>S.B. 21-173</b> <b>S.B. 21-266*</b>
<b>November 11, 2021</b>			
<b>S.B. 21-026</b>			
<b>January 1, 2022</b>			
<b>H.B. 21-1207</b> <b>H.B. 21-1211*</b> <b>H.B. 21-1220*</b> <b>H.B. 21-1239</b>	<b>H.B. 21-1282</b> <b>H.B. 21-1292</b> <b>H.B. 21-1312*</b>	<b>H.B. 21-1314*</b> <b>H.B. 21-1317*</b> <b>H.B. 21-1322</b>	<b>S.B. 21-073</b> <b>S.B. 21-088</b> <b>S.B. 21-143</b> <b>S.B. 21-171</b>
<b>March 1, 2022</b>			
<b>S.B. 21-250*</b>	<b>S.B. 21-271</b>		
<b>May 15, 2022</b>			
<b>S.B. 21-238*</b>			
<b>June 1, 2022</b>			
<b>H.B. 21-1095</b>			
<b>July 1, 2022</b>			
<b>H.B. 21-1014</b> <b>H.B. 21-1071</b> <b>H.B. 21-1211*</b>	<b>H.B. 21-1216*</b> <b>H.B. 21-1304*</b>	<b>S.B. 21-091</b> <b>S.B. 21-199*</b>  * - portions	<b>S.B. 21-257</b> <b>S.B. 21-275*</b>

<b>Acts with July 1, 2021, and later effective dates: (cont.)</b>			
<b>January 1, 2023</b>			
<b>H.B. 21-1276*</b>			
<b>July 1, 2023</b>			
<b>S.B. 21-066*</b>	<b>S.B. 21-190</b>		
<b>July 1, 2024</b>			
<b>H.B. 21-1162*</b>	<b>H.B. 21-1187*</b>		
<b>Contingent on later actions:</b>			
<b>H.B. 21-1231*</b>	Portions effective upon creation of federal program & subsequent notifications		
<b>S.B. 21-172*</b>	Portions effective upon approval of a 2027 ballot proposal		
<b>S.B. 21-293*</b>	Portions effective upon adoption of a property tax measure at the 2021 statewide election		
* - portions			



## TABLE OF ENACTED HOUSE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1001	Esgar & McKean, Fenberg & Holbert	Remote Participation In Party Committee Meetings	Approved 1/20/2021	1/20/2021	1	95
1002	Weissman & Sirota, Moreno & Hansen	Reductions Certain Taxpayers' Income Tax Liability	Approved 1/21/2021	1/21/2021	5	322
1003	Benavidez, Fenberg	Legislative Proceedings During Disaster Emergency	Approved 1/20/2021	1/20/2021	2	101
1004	Snyder & Soper, Gardner & Lee	Colorado Uniform Electronic Wills Act	Approved 1/21/2021	1/21/2021	3	276
1005	Mullica & Caraveo, Garcia	Health Care Services Reserve Corps Task Force	Approved 7/6/2021	7/6/2021	438	138
1006	Esgar & Will, Garcia & Hisey	Fifth-day School Enrichment Programs Funding	Approved 6/30/2021	6/30/2021	382	75
1007	Sullivan & Ortiz, Danielson & Rodriguez	State Apprenticeship Agency	Approved 6/23/2021	7/1/2021	309	244
1008	Arndt & Catlin, Cooke & Hansen	Forest Health Project Financing	Approved 5/20/2021	5/20/2021	159	106
1009	Bernett, Bridges & Coram	Update Div Hous Funct & Local Dev	Approved 5/10/2021	No Safety Clause	121	139
1010	Ricks & Gonzales-Gutierrez, Fields	Diverse K-12 Educator Workforce Report	Approved 6/29/2021	No Safety Clause	375	88
1011	Caraveo, Gonzales & Moreno	Multilingual Ballot Access For Voters	Approved 6/28/2021	6/28/2021	366	95
1012	Rich & Mullica, Pettersen & Coram	Expand Prescription Drug Monitoring Program	Approved 7/7/2021	No Safety Clause	480	286
1013	Snyder & Van Winkle, Kolker	Division Of Domestic Stock Insurer	Approved 5/17/2021	No Safety Clause	144	232
1014	Michaelson Jenet & Baisley, Danielson	Disability Symbol Identification Document	Approved 6/30/2021	No Safety Clause 7/1/2022	406	258

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1015	Carver & Tipper, Lundeen & Ginal	Security Protections Criminal Justice Personnel	Approved 6/24/2021	6/24/2021	311	47
1016	Ortiz & Lynch, Garcia & Gardner	Transfer Jurisdiction To Veteran's Speciality Ct	Approved 6/7/2021	No Safety Clause	214	48
1018	Bernett & Van Beber, Jaquez Lewis	Adoptive Parents Payments To Outside Providers	Approved 5/7/2021	5/7/2021	104	219
1019	Hooton, Ginal & Woodward	Modification To Regulations Of Factory-built Structures	Approved 5/10/2021	No Safety Clause	122	140
1021	Pelton & Caraveo, Zenzinger & Hisey	Peer Support Professionals Behavioral Health	Approved 6/18/2021	No Safety Clause	256	205
1022	Froelich, Ginal	Surrogacy Agreements	Approved 5/6/2021	5/6/2021	103	16
1024	Snyder & Van Winkle, Winter & Priola	Title Certificates Off-highway Vehicle Transfers	Vetoed 7/2/2021			259
1025	Arndt, Ginal	Nonsubstantive Emails & Open Meetings Law	Approved 4/7/2021	No Safety Clause	24	142
1027	Larson & Roberts, Bridges & Priola	Continue Alcohol Beverage Takeout & Delivery	Approved 6/22/2021	6/22/2021	290	308
1028	Bird & Rich, Story & Woodward	Annual Public Report Affordable Hous	Approved 6/30/2021	No Safety Clause	396	142
1030	McCluskie & McKean, Buckner & Cooke	Expanding Peace Officers Mental Hlth Grant Prog	Approved 6/27/2021	No Safety Clause	354	205
1031	Daugherty & Woog, Lee & Gardner	Jurisdiction To Modify Family Law Orders On Appeal	Approved 5/7/2021	5/7/2021	116	16
1044	Hooton & Larson, Bridges & Gardner	Winery License Include Noncontiguous Areas	Approved 5/21/2021	No Safety Clause	165	309
1045	Young & Valdez D., Fields	Invasive Pest Control Administration	Approved 5/20/2021	No Safety Clause	160	4
1046	Arndt & Catlin, Fields & Sonnenberg	Water Share Right Mutual Ditch Corporation	Approved 5/20/2021	No Safety Clause	161	341
1047	Kennedy, Lee	County Commissioner Districts Gerrymandering	Approved 4/29/2021	4/29/2021	70	103

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1048	Valdez A., Rodriguez	Retail Business Must Accept Cash	Approved 5/10/2021	No Safety Clause	125	26
1050	Gray & Van Winkle, Bridges & Cooke	Workers' Compensation	Approved 6/30/2021	No Safety Clause	384	245
1051	Geitner & Bird, Pettersen	Public Info Applicants For Public Employment	Became Law 5/25/2021	No Safety Clause	183	143
1052	McKean, Woodward	Define Pumped Hydroelectricity As Renewable Energy	Approved 4/22/2021	No Safety Clause	52	301
1054	Jackson, Gonzales	Hous Public Benefit Verification Reqmnt	Approved 4/15/2021	4/15/2021	27	143
1055	Woodrow, Pettersen & Winter	Comp For School District Board Members	Approved 5/17/2021	5/17/2021	145	76
1056	Pelton, Hansen	Cost Thresholds For Public Project Bidding Reqmnts	Approved 5/24/2021	No Safety Clause	181	143
1057	Roberts & Tipper, Cooke & Rodriguez	Extortion Of Immigrants Engaging In Lawful Acts	Approved 5/20/2021	7/1/2021	158	48
1059	Geitner & Bradfield, Lundeen	Online Student Protections	Approved 5/28/2021	5/28/2021	200	76
1060	Gonzales-Gutierrez & Jodeh, Gonzales	U Visa Certification Requirements	Approved 5/10/2021	9/1/2021	126	144
1061	Gray, Hansen	Residential Land Property Tax Classification	Approved 4/27/2021	No Safety Clause	63	322
1063	Lontine, Rodriguez	Model Law Credit Extraterritorial Reinsurance	Approved 4/19/2021	No Safety Clause	40	233
1064	Benavidez & Amabile, Rodriguez	Update Processes Juvenile Sex Offender Registry	Approved 6/24/2021	9/1/2021	320	49
1065	Ortiz, Garcia	Veterans' Hiring Preference	Approved 6/23/2021	No Safety Clause	295	247
1066	Bockenfeld & Michaelson Jenet, Smallwood & Woodward	CDOT Financial Reporting Requirements	Approved 5/7/2021	No Safety Clause	105	337
1067	Kipp & Exum, Story & Buckner	College Admission Use Of National Test Score	Approved 5/25/2021	5/25/2021	184	89

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1068	Michaelson Jenet & Titone, Moreno & Smallwood	Insurance Coverage Mental Health Wellness Exam	Approved 7/6/2021	7/6/2021	439	233
1069	Carver & Roberts, Fields & Gardner	Enforcement Of Sexual Exploitation Of A Child	Approved 7/6/2021	No Safety Clause	446	50
1071	Kennedy, Fenberg & Winter	Ranked Choice Voting In Nonpartisan Elections	Approved 6/28/2021	No Safety Clause 7/1/2022	367	96
1072	Froelich, Fields & Jaquez Lewis	Equal Access Services For Out-of-home Placements	Approved 4/19/2021	4/19/2021	43	16
1073	Van Beber & Michaelson Jenet, Moreno & Kirkmeyer	Support Foster Families License Plate	Approved 6/25/2021	No Safety Clause	345	259
1075	Lontine, Gonzales	Replace The Term Illegal Alien	Approved 4/15/2021	No Safety Clause	26	144
1076	McCluskie & Will, Donovan & Hisey	Carpooling Serv Internet App Register CDOT	Approved 4/19/2021	4/19/2021	44	338
1077	Benavidez & Bird, Gonzales & Moreno	Legislative Oversight Cmt Concerning Tax Policy	Approved 7/7/2021	7/7/2021	468	102
1083	Benavidez, Priola & Zenzinger	State Bd Assessment Appeals Valuation Adjustment	Approved 4/7/2021	4/7/2021	25	323
1084	Exum & Van Winkle, Hisey & Kolker	Drivers' Licenses For Foster Children	Approved 5/28/2021	No Safety Clause	203	260
1085	McCluskie & Larson, Bridges & Smallwood	Secure Transportation Behavioral Health Crisis	Approved 6/27/2021	6/27/2021	355	206
1087	Daugherty & Bradfield, Danielson	Teaching & Learning Conditions Survey	Approved 7/7/2021	7/7/2021	484	77
1090	Valdez A., Gonzales	Criminal Marijuana Offenses	Approved 5/20/2021	5/20/2021	157	51
1091	Daugherty & Lynch, Buckner	Sentencing Juveniles Transferred To Adult Court	Approved 5/24/2021	Portions on 5/24/2021 and 10/1/2021	175	17
1092	Williams, Holbert	Candidate Lieutenant Gov Eligible For Other Office	Vetoed 5/7/2021			97

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1094	Daugherty & Van Beber, Zenzinger & Rankin	Foster Youth In Transition Program	Approved 6/25/2021	6/25/2021	340	220
1095	Baisley & Kipp, Ginal & Woodward	811 Locate Exemption For County Road Maintenance	Approved 05/21/2021	No Safety Clause 6/1/2022	173	247
1097	Young & Pelton, Fields & Gardner	Establish Behavioral Health Administration	Approved 4/22/2021	4/22/2021	48	207
1099	Ransom & Michaelson Jenet, Zenzinger & Smallwood	Policies & Procedures To Identify Domestic Abuse	Approved 5/24/2021	No Safety Clause	179	17
1100	Soper & Gonzales-Gutierrez, Bridges & Lundeen	Electronic Filing Of Documents With Gov Entities	Approved 6/7/2021	No Safety Clause	215	145
1101	Ransom, Buckner	Preserving Family Relationships In Child Placement	Approved 7/7/2021	Portions on 7/7/2021 and 9/1/2021	481	18
1102	Duran & Soper, Jaquez Lewis	Consumer Protection For Dog & Cat Purchasers	Approved 5/1/2021	No Safety Clause	82	5
1103	Cutter & McLachlan, Pettersen & Coram	Media Literacy Implementation	Approved 5/27/2021	05/27/2021	187	77
1104	Larson & McLachlan, Lundeen & Zenzinger	Professional Educator Licensure Renewal Period	Approved 6/16/2021	No Safety Clause	245	78
1105	Kennedy, Hansen & Priola	Low-income Util Payment Assistance Contributions	Approved 7/7/2021	No Safety Clause	488	301
1106	Duran & Mullica, Bridges & Hansen	Safe Storage Of Firearms	Approved 4/19/2021	7/1/2021	39	51
1107	Caraveo & Carver, Bridges & Lundeen	Protections For Public Health Dept Workers	Approved 5/18/2021	5/18/2021	153	178
1108	Esgar, Moreno	Gender Identity Expression Anti-discrimination	Approved 5/20/2021	No Safety Clause	156	145
1109	Titone & Soper, Bridges & Coram	Broadband Bd Changes To Expand Broadband Service	Approved 7/7/2021	7/7/2021	489	146
1110	Ortiz, Danielson	CO Laws For Persons With Disabilities	Approved 6/30/2021	6/30/2021	402	148

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1111	McKean, Bridges & Gonzales	Consent Collection Personal Information	Approved 6/30/2021	No Safety Clause	397	149
1112	Snyder & Bradfield, Lee & Hisey	School District Scholarship Programs	Approved 5/18/2021	5/18/2021	154	78
1114	McCormick & Bradfield, Jaquez Lewis	School District Provision Of Internet Service	Approved 5/18/2021	5/18/2021	151	107
1115	Kipp & Mullica, Ginal & Priola	Board Of Health Member Requirements	Approved 6/15/2021	No Safety Clause	239	178
1116	Holtorf & Ortiz, Liston & Garcia	Purple Heart Recipient Free State Park Access	Approved 5/28/2021	No Safety Clause	204	254
1117	Lontine & Gonzales-Gutierrez, Gonzales & Rodriguez	Local Gov Authority Promote Affordable Hous Units	Approved 5/28/2021	No Safety Clause	202	107
1119	Rich & Daugherty, Donovan & Coram	Suicide Prevention, Intervention, & Postvention	Approved 4/22/2021	No Safety Clause	49	179
1121	Jackson & Jodeh, Gonzales	Residential Tenancy Procedures	Approved 6/25/2021	6/25/2021	348	40
1122	Froelich & Larson, Kolker & Ginal	First Responder Interactions Persons With Disab	Approved 6/30/2021	6/30/2021	405	149
1123	Michaelson Jenet & Larson, Fields & Smallwood	CAPS Checks For Substantiated Mistreatment Of Adult	Approved 5/7/2021	No Safety Clause	106	221
1124	Bird & Soper, Lee	Expand Ability Conduct Business Electronically	Approved 4/19/2021	4/19/2021	41	32
1126	Hooton & Rich, Story & Sonnenberg	State Architect Authority Execute Certain Leases	Approved 4/15/2021	4/15/2021	36	150
1128	Michaelson Jenet, Hansen & Winter	Hospice & Palliative Care License Plate	Approved 6/24/2021	No Safety Clause	321	261
1129	McLachlan & Bradfield, Bridges & Story	Extend Deadline For Training To Teach Reading	Approved 5/10/2021	5/10/2021	127	79
1130	Michaelson Jenet & Bradfield, Kolker & Gardner	Expand Transition Specialist Program	Approved 4/20/2021	4/20/2021	45	207
1131	Amabile & Catlin, Winter & Coram	Cooperative Elec Associations Governance Reqmnts	Approved 4/29/2021	No Safety Clause	65	303

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1132	Amabile & Baisley, Story	Local Government Limited Gaming Impact Fund	Approved 5/24/2021	5/24/2021	176	310
1133	Mullica & Jodeh, Pettersen & Priola	K-12 Seizure Training & Individual Action Plans	Approved 5/28/2021	5/28/2021	201	79
1134	Ricks & Bradfield, Bridges	Report Tenant Rent Payment Info To Credit Agencies	Approved 6/29/2021	6/29/2021	379	27
1136	Tipper & Carver, Lee & Gardner	Judicial Div Retirees Temp Judicial Duties Comp	Approved 5/4/2021	5/4/2021	95	41
1137	Weissman & Van Winkle, Lee & Gardner	Limit Notification GA Regarding Adoption Of Rules	Approved 4/15/2021	No Safety Clause	37	1
1138	McLachlan & Catlin, Hisey	Restrict Off-highway Vehicles On Public Roads	Approved 5/7/2021	5/7/2021	107	261
1139	McCluskie, Rankin	Driver's License Elec Renewal By Seniors	Approved 5/24/2021	5/24/2021	177	261
1140	Titone, Coram	Eliminate Donor Costs For Living Organ Donations	Approved 7/6/2021	No Safety Clause	447	234
1141	Hooton & Valdez A., Bridges	Electric Vehicle License Plate	Approved 6/25/2021	No Safety Clause	339	262
1142	Bacon, Gonzales	Eyewitness Identification Showup Regulations	Approved 6/24/2021	No Safety Clause	312	52
1143	Froelich & Soper, Danielson	Protect Survivors' Rights To Rape Kit Evidence	Approved 5/27/2021	5/27/2021	191	53
1145	Kipp & Soper, Jaquez Lewis & Simpson	Support Pollinator Special License Plate	Approved 6/22/2021	No Safety Clause	286	263
1146	Pico & Valdez D., Zenzinger & Woodward	Auricular Acudetox Professional Practice	Approved 4/29/2021	4/29/2021	71	286
1147	Valdez D. & Van Winkle, Hansen & Simpson	Simplify Architects Continuing Education Reqmnt	Approved 4/29/2021	No Safety Clause	72	286
1148	Bockenfeld & Michaelson Jenet, Fields & Smallwood	CO State Fair Annual Report Submission Date Change	Approved 5/7/2021	No Safety Clause	108	5
1149	Jackson & Titone, Story	Energy Sector Career Pathway In Higher Education	Approved 6/16/2021	6/16/2021	247	248

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1150	Jodeh, Gonzales	Create The Colorado Office Of New Americans	Approved 6/25/2021	No Safety Clause	350	150
1151	McLachlan & Catlin, Coram	Indian Tribes To Certify Own Foster Homes	Approved 5/15/2021	No Safety Clause	138	19
1152	Valdez D. & Lynch, Kirkmeyer & Zenzinger	Repeal Obsolete Capitol Dome Restoration Fund	Approved 4/20/2021	No Safety Clause	47	151
1153	Arndt & Valdez D., Moreno	Enter Zone Child Care Income Tax Credit	Approved 5/10/2021	No Safety Clause	128	323
1154	Lynch & Valdez D., Moreno	Mod To Child Care Tax Credit To Address Defects	Approved 4/22/2021	No Safety Clause	54	323
1155	Arndt & Pico, Zenzinger & Woodward	Sales Tax Statute Modifications To Address Defects	Approved 5/7/2021	5/7/2021	109	323
1156	Lynch & Pico, Kirkmeyer & Zenzinger	Fix Defects Related To Severance Withholdings	Approved 5/7/2021	No Safety Clause	117	324
1157	Arndt & Lynch, Kirkmeyer & Woodward	Accurate References For DOR Tax Administration	Approved 5/7/2021	No Safety Clause	118	325
1158	Lynch & Valdez D., Kirkmeyer	Special Fuel Farm Equipment Sales Use Tax	Approved 5/7/2021	No Safety Clause	119	325
1160	Duran & Soper, Ginal & Coram	Care Of Dogs & Cats In Pet Animal Facilities	Approved 5/21/2021	No Safety Clause	164	5
1161	Sirota & McLachlan, Zenzinger & Coram	Suspend Statewide Assessments For Select Grades	Approved 3/16/2021	3/16/2021	10	79
1162	Valdez A. & Cutter, Gonzales & Garcia	Management Of Plastic Products	Approved 7/6/2021	Portions on 7/6/2021 and 7/1/2024	440	179
1164	Esgar & Garnett, Zenzinger & Fenberg	Total Program Mill Levy Tax Credit	Approved 6/11/2021	6/11/2021	223	80
1165	Carver & Duran, Gardner & Lee	Assistance For Victims Of Strangulation	Approved 5/10/2021	5/10/2021	129	151
1166	Young & Will, Ginal	Behavioral Hlth Crisis Response Training	Approved 6/15/2021	6/15/2021	234	195
1167	Duran & Will, Gonzales & Scott	Private Construction Contract Payments	Approved 5/17/2021	No Safety Clause	146	290



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1168	Bacon & Ricks, Kolker	Historically Underutilized Bus Loc Gov Procurement	Approved 6/7/2021	6/7/2021	216	108
1169	Van Beber & Ortiz, Pettersen & Danielson	Prohibit Discrimination Organ Transplant Recipient	Approved 5/6/2021	5/6/2021	99	180
1171	Bradfield & Titone, Buckner & Hisey	Kidney Disease Task Force	Approved 7/2/2021	7/2/2021	407	180
1173	Mullica & Gray, Pettersen & Bridges	Prohibiting Legacy Preferences In Higher Ed Insts	Approved 5/25/2021	No Safety Clause	185	90
1174	Hooton, Story	Transfer SB 20-219 COP Issuance Premium To CCF	Approved 7/2/2021	7/2/2021	408	151
1177	Valdez D. & Lynch, Moreno & Woodward	Add Use Tax Exemption To Some Sales Tax Exemption	Approved 4/22/2021	No Safety Clause	55	325
1178	Pico & Valdez D., Woodward & Zenzinger	Correcting Errors in the CO Marijuana Code	Approved 5/10/2021	No Safety Clause	130	310
1180	Valdez D. & Will, Coram	Measures To Increase Biomass Utilization	Approved 7/7/2021	No Safety Clause	469	271
1181	McCormick & Will, Simpson & Winter	Agricultural Soil Health Program	Approved 6/21/2021	No Safety Clause	279	6
1186	Gray & Sullivan, Winter & Bridges	Regional Transportation District Operation	Approved 5/24/2021	No Safety Clause	182	338
1187	Young & Pelton, Winter & Rankin	Long-term Serv & Support Case Mgmt Redesign	Approved 5/1/2021	No Safety Clause Portions on 9/7/2021 and 7/1/2024	83	195
1188	Kennedy, Gonzales	Additional Liability Under Respondeat Superior	Approved 5/17/2021	No Safety Clause	147	41
1189	Benavidez & Valdez A., Gonzales & Moreno	Regulate Air Toxics	Approved 6/24/2021	6/24/2021	334	181
1190	Rich & Esgar, Kirkmeyer & Fields	Defining Telemedicine For Medical Practitioners	Approved 5/18/2021	5/18/2021	152	196
1193	Gray, Priola & Kolker	Consumer Protection Supplemental Restraint Systems	Approved 5/17/2021	No Safety Clause	148	263

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1194	Tipper & Ricks, Moreno	Immigration Legal Defense Fund	Approved 6/25/2021	No Safety Clause	352	151
1195	Van Winkle & Michaelson Jenet, Coram & Ginal	Regulation Of Radon Professionals	Approved 6/30/2021	No Safety Clause	398	287
1196	Pico & Valdez D., Zenzinger	Update Senate Bill 19-263 Effective Date Clause	Vetoed 7/2/2021			339
1198	Jodeh, Buckner & Kolker	Hlth-care Billing Reqmnts For Indigent Patients	Approved 7/6/2021	No Safety Clause	435	196
1200	Kipp & Rich, Bridges & Lundeen	Revise Student Financial Literacy Standards	Approved 6/22/2021	No Safety Clause	284	81
1201	Gonzales-Gutierrez & Tipper, Gonzales	Transparency Telecoms Correctional Facilities	Approved 6/30/2021	6/30/2021	389	152
1204	Snyder, Holbert & Ginal	Unemployment Insurance Marijuana-licensed Business	Approved 4/29/2021	4/29/2021	73	249
1206	Larson & Valdez A., Moreno & Coram	Medicaid Transportation Services	Approved 6/29/2021	6/29/2021	381	198
1207	Daugherty & Benavidez, Lee & Fields	Overpayment Of Workers' Compensation Benefits	Approved 5/17/2021	1/1/2022	149	249
1208	Cutter & Gray, Priola & Winter	Natural Disaster Mitigation Enterprise	Approved 7/6/2021	No Safety Clause	464	153
1209	Gonzales-Gutierrez & Daugherty, Lee	Parole Eligibility For Youthful Offenders	Approved 7/6/2021	No Safety Clause	448	35
1211	Amabile, Lee	Regulation Of Restrictive Housing In Jails	Approved 6/24/2021	Portions on 6/24/2021, 1/1/2022, and 7/1/2022	322	35
1212	Soper & Esgar, Coram & Fields	Diversity Of Governor's Appointments To Boards	Approved 5/24/2021	No Safety Clause	180	153
1214	Weissman & Bacon, Coleman & Lee	Record Sealing Collateral Consequences Reduction	Approved 7/6/2021	No Safety Clause	455	53
1215	Holtorf & Ortiz, Hisey & Lee	Expansion Of Jus Crime Prevention Initiative	Approved 6/17/2021	6/17/2021	252	154

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1216	Valdez A. & Van Winkle, Gonzales	Marijuana Licensees Ability To Change Designation	Approved 6/23/2021	Portion on 6/23/2021 and 7/1/2022	306	311
1217	Bockenfeld & Bacon, Fields & Lundeen	Military Family Open Enrollment In Public Schools	Approved 5/28/2021	No Safety Clause	205	81
1218	Duran & Bockenfeld, Danielson & Garcia	Professional Fire Fighters License Plate Standards	Approved 5/7/2021	No Safety Clause	120	264
1219	Esgar & Mullica, Moreno & Buckner	Nurses Special License Plate	Approved 6/18/2021	No Safety Clause	262	264
1220	Froelich, Fields	Colorado Child Support Commission Recommendations	Approved 6/7/2021	Portions on 7/1/2021 and 1/1/2022	212	19
1221	Cutter & Young, Coram	Bullying Prevention & Education In Schools	Approved 6/7/2021	6/7/2021	209	82
1222	Valdez A. & Van Winkle, Smallwood & Winter	Regulation Of Family Child Care Homes	Approved 6/7/2021	No Safety Clause	213	223
1223	McLachlan & Soper, Story & Coram	Create Outdoor Recreation Industry Office	Approved 5/20/2021	No Safety Clause	162	154
1224	Bird & Neville, Winter	Mod To Statutes Governing Foreclosure Of Real Prop	Approved 5/28/2021	5/28/2021	199	291
1225	Bird & Will, Bridges & Kirkmeyer	Electronic Recording Technology Board	Approved 6/22/2021	No Safety Clause	289	154
1226	Esgar & Will, Coram & Donovan	More Robust Check Station Aquatic Nuisance Species	Approved 5/20/2021	No Safety Clause	163	272
1227	Lontine & Soper, Fields & Kirkmeyer	Medicaid Nursing Facilities Demonstration Of Need	Approved 5/27/2021	No Safety Clause	192	198
1228	Froelich, Smallwood & Winter	Domestic Violence Training Court Personnel	Approved 6/22/2021	6/22/2021	292	20
1229	Titone & Ricks, Fields	HOA Governance Funding Record Keeping	Approved 7/2/2021	No Safety Clause	409	291
1230	Baisley & Titone, Zenzinger & Woodward	Create User-friendly State Internet Rules Portal	Approved 7/6/2021	7/6/2021	449	155

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1231	Ortiz & Lynch, Fields & Bridges	United States Space Force	Approved 5/28/2021	Portions on 5/28/2021 and upon notice to the revisor of statutes	206	254
1232	Roberts & Jodeh, Donovan	Standardized Health Benefit Plan Colorado Option	Approved 6/16/2021	6/16/2021	241	234
1233	Roberts & Will, Donovan & Winter	Conservation Easement Tax Credit Modifications	Approved 6/30/2021	6/30/2021	385	325
1234	Tipper & Bradfield, Moreno & Rankin	Supplemental Educ High-impact Tutoring Programs	Approved 6/16/2021	6/16/2021	249	83
1235	Bird & Benavidez, Story	Regulation Of Fireworks	Approved 6/30/2021	6/30/2021	392	155
1236	Titone & Baisley, Bridges & Priola	State Information Technology	Approved 6/7/2021	No Safety Clause	211	156
1237	Lontine & Rich, Kirkmeyer & Moreno	Competitive Pharmacy Benefits Manager Marketplace	Approved 6/7/2021	6/7/2021	217	157
1238	Bernett, Hansen	PUC Modernize Gas Utility Demand-side Mgmt Stds	Approved 6/24/2021	No Safety Clause	330	304
1239	Kipp & Boesenecker, Rodriguez	Protections In Consumer Sales Transactions	Approved 7/2/2021	No Safety Clause 1/1/2022	410	28
1241	Daugherty & Lynch, Rodriguez & Priola	Employee-owned Business Loan Program Modifications	Approved 5/21/2021	No Safety Clause	166	158
1242	McLachlan, Donovan	Create Ag Drought & Climate Resilience Office	Approved 6/24/2021	6/24/2021	332	7
1243	Will & Valdez D., Donovan & Rankin	Wolf Reintroduction Funding With No License Fees	Approved 6/27/2021	6/27/2021	359	272
1245	Sullivan, Ginal & Hisey	On-track Equipment Railroad Crossings	Approved 6/7/2021	No Safety Clause	218	265

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1247	Jackson & McKean, Danielson	CDPHE Contract Pay To Grantees Up Front	Approved 6/7/2021	No Safety Clause	219	182
1248	Amabile, Story & Hisey	Colorado Children's Trust Fund Act	Approved 6/24/2021	No Safety Clause	335	20
1249	Roberts & Michaelson Jenet, Rodriguez & Smallwood	Repeal Gaming City Audit Requirement	Approved 5/24/2021	No Safety Clause	178	102
1250	Herod & Gonzales-Gutierrez, Fields & Gardner	Measures to Address Law Enforcement Accountability	Approved 7/6/2021	7/6/2021	458	159
1251	Caraveo & Herod, Fields & Gonzales	Appropriate Use Of Chemical Restraints On A Person	Approved 7/6/2021	7/6/2021	450	182
1253	Froelich & Gray, Winter & Rankin	Renewable & Clean Energy Project Grants	Approved 6/14/2021	6/14/2021	225	109
1254	Valdez A. & Larson, Winter & Priola	Title & Registration Motor Vehicle Regulation	Vetoed 7/7/2021			265
1255	Duran & Gray, Jaquez Lewis & Pettersen	Protection Order Issued Against Domestic Abuser	Approved 6/22/2021	6/22/2021	293	42
1256	Lontine, Winter & Simpson	Delivering Hlth-care Services Through Telemedicine	Approved 5/27/2021	5/27/2021	193	199
1257	Garnett & Neville, Garcia & Rankin	Recognition Of Veterans In Cap Complex Parks	Approved 6/23/2021	6/23/2021	294	161
1258	Michaelson Jenet & Van Winkle, Buckner & Woodward	Rapid Mental Health Response For Colorado Youth	Approved 6/18/2021	6/18/2021	265	208
1259	Bacon, Fields & Sonnenberg	Extended Learning Opportunities	Approved 6/7/2021	6/7/2021	210	83
1260	Garnett & Catlin, Donovan & Simpson	General Fund Transfer Implement State Water Plan	Approved 6/24/2021	6/24/2021	331	342
1261	Catlin & Cutter, Coram & Ginal	Extend Beetle Kill Wood Prod Sales Tax Exemption	Approved 6/24/2021	6/24/2021	323	326
1262	Lontine & Lynch, Garcia & Sonnenberg	Money Support Agricultural Events Organization	Approved 6/29/2021	6/29/2021	373	8
1263	Roberts & Soper, Rodriguez & Hisey	Meeting & Events Incentive Program	Approved 6/14/2021	6/14/2021	229	161

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1264	Sullivan & Young, Kolker & Hisey	Funds Workforce Dev Increase Worker Skills	Approved 6/23/2021	6/23/2021	308	250
1265	Mullica & Van Winkle, Pettersen & Woodward	Qualified Retailer Retain Sales Tax For Assistance	Approved 6/14/2021	6/14/2021	231	326
1266	Jackson & Weissman, Winter & Buckner	Envtl Justice Disproportionate Impacted Community	Approved 7/2/2021	7/2/2021	411	184
1267	Lontine & Larson, Hisey & Story	County Auth To Delegate Mill Levy Certification	Approved 6/18/2021	No Safety Clause	257	327
1268	Titone & Will, Hansen & Simpson	Study Emerging Technologies For Water Management	Approved 6/18/2021	6/18/2021	258	342
1269	Hooton & Boesenecker, Donovan	PUC Study Of Community Choice Energy	Approved 6/25/2021	6/25/2021	338	304
1270	Exum & Caraveo, Fields & Kirkmeyer	Approp To DHS For Suppl Assistance Nutrition Prog	Approved 6/17/2021	6/17/2021	251	223
1271	McCluskie & Jodeh, Gonzales	DOLA Innovative Affordable Hous Strategies	Approved 6/27/2021	6/27/2021	356	162
1272	Cutter & Bradfield, Danielson	Supporting The Child Protection Ombudsman	Approved 6/24/2021	6/24/2021	324	21
1273	Cutter, Kolker	CDE Report Concerning School Psychologists	Approved 7/2/2021	7/2/2021	412	84
1274	Titone, Zenzinger & Hisey	Unused State-owned Real Property Beneficial Use	Approved 6/18/2021	No Safety Clause	263	164
1275	Lontine & Will, Ginal & Kirkmeyer	Medicaid Reimbursement For Services By Pharmacists	Approved 7/7/2021	No Safety Clause	470	199
1276	Kennedy & Herod, Pettersen & Priola	Prevention Of Substance Use Disorders	Approved 6/28/2021	Portions on 7/1/2021 and 1/1/2023	364	237
1277	Valdez D. & Will, Liston & Pettersen	Eligible Recipients For Final Disposition Expenses	Approved 6/18/2021	6/18/2021	259	224
1278	Exum, Sonnenberg	Special District Meeting Requirements	Approved 7/7/2021	7/7/2021	471	114
1279	Young & Holtorf, Fields	Occupational Therapy Interstate Compact	Approved 7/6/2021	7/6/2021	451	165

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1280	Woodrow & Gonzales-Gutierrez, Lee & Rodriguez	Pre-trial Detention Reform	Approved 7/6/2021	No Safety Clause	457	55
1281	Cutter & Will, Pettersen	Community Behavioral Hlth Disaster Program	Approved 6/28/2021	6/28/2021	361	186
1282	Weissman, Gonzales	Add Consumer Protections Regul Mortgage Servicers	Approved 7/7/2021	No Safety Clause 1/1/2022	482	29
1283	Ricks & Hooton, Fields	Vehicle Towing Consumer Protection	Approved 7/7/2021	7/7/2021	472	305
1284	Valdez A. & Van Winkle, Hansen & Priola	Limit Fee Install Active Solar Energy System	Approved 6/24/2021	No Safety Clause	327	166
1285	Benavidez & Herod, Jaquez Lewis & Buckner	Funding To Support Creative Arts Industries	Approved 6/14/2021	6/14/2021	228	166
1286	Kipp & Valdez A., Priola & Pettersen	Energy Performance For Buildings	Approved 6/24/2021	No Safety Clause	326	187
1287	Gonzales-Gutierrez & Soper, Gonzales	Marriage Or Civil Union License Procedures	Approved 6/18/2021	6/18/2021	264	21
1288	Bacon & Duran, Coleman	Colorado Startup Loan Program	Approved 7/7/2021	7/7/2021	487	167
1289	Kennedy & Baisley, Bridges & Priola	Funding For Broadband Deployment	Approved 6/28/2021	Portions on 6/28/2021, 7/7/2021, and 9/7/2021	371	168
1290	Esgar & Will, Fenberg & Rankin	Additional Funding For Just Transition	Approved 6/30/2021	6/30/2021	400	251
1291	Van Winkle & Exum, Winter & Priola	Insurer Agent Branded Vehicle Title	Approved 6/18/2021	No Safety Clause	260	266
1292	Baisley & Amabile, Story & Hisey	Report Revenues From Sports Betting Activity	Approved 7/6/2021	No Safety Clause 1/1/2022	466	311

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1293	Snyder & Larson, Woodward & Bridges	Banks Modify Threshold Credentialed Appraiser	Approved 7/2/2021	No Safety Clause	413	100
1294	Bird & Gonzales-Gutierrez, Rodriguez	K-12 Ed Accountability Systems Performance Audit	Approved 7/2/2021	7/2/2021	414	85
1296	Bird & Baisley, Pettersen & Hisey	Limited Gaming Codify Executive Orders	Approved 6/30/2021	6/30/2021	386	311
1297	Hooton & Will, Sonnenberg & Buckner	Pharmacy Benefit Manager & Insurer Requirements	Approved 7/6/2021	7/6/2021	452	239
1298	Amabile & Woodrow, Gonzales & Pettersen	Expand Firearm Transfer Background Check Reqmnts	Approved 6/19/2021	6/19/2021	268	56
1299	Sullivan & Bacon, Fields & Hansen	Office Of Gun Violence Prevention	Approved 6/19/2021	6/19/2021	270	188
1300	Weissman & Neville, Smallwood & Zenzinger	Health-care Provider Liens For Injured Persons	Approved 7/7/2021	No Safety Clause	473	30
1301	Esgar & Holtorf, Coram & Moreno	Cannabis Outdoor Cultivation Measures	Approved 6/23/2021	No Safety Clause	304	312
1302	Herod & Daugherty, Winter	Continue COVID-19 Small Business Grant Program	Approved 6/21/2021	6/21/2021	271	170
1303	Bernett & McLachlan, Hansen	Global Warming Potential For Pub Project Materials	Approved 7/6/2021	No Safety Clause	454	171
1304	Sirota & Garnett, Fenberg & Buckner	Early Childhood System	Approved 6/23/2021	Portions on 6/23/2021 and 7/1/2022	307	224
1305	Michaelson Jenet & Pelton, Winter	Mental Health Practice Act	Approved 6/30/2021	7/1/2021	399	287
1306	Garnett & Geitner, Rodriguez & Lundeen	Accreditation Of Postsecondary Institutions	Approved 6/23/2021	No Safety Clause	310	90
1307	Roberts, Donovan & Jaquez Lewis	Prescription Insulin Pricing & Access	Approved 7/6/2021	No Safety Clause	437	288
1309	Roberts & Carver, Lee & Gardner	Criminal Trial Continuances COVID-19 Pandemic	Approved 6/21/2021	6/21/2021	277	43
1310	Cutter, Rodriguez	HOA Regulation Of Flags & Signs	Approved 7/2/2021	No Safety Clause	415	292



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1311	Sirota & Weissman, Hansen & Moreno	Income Tax	Approved 6/23/2021	6/23/2021	298	327
1312	Weissman & Sirota, Hansen & Moreno	Insurance Premium Property Sales Severance Tax	Approved 6/23/2021	Portions on 7/1/2021 and 1/1/2022	299	329
1313	Benavidez & Gonzales-Gutierrez, Gonzales	Child Protection Ombudsman & Immigrant Children	Approved 7/2/2021	7/2/2021	416	22
1314	Herod & Gray, Moreno & Rodriguez	DOR Action Against Certain Documents	Approved 7/6/2021	Portions on 7/6/2021 and 1/1/2022	460	266
1315	Herod & Soper, Moreno & Gonzales	Costs Assessed To Juveniles In The Crim Jus Sys	Approved 7/6/2021	Portions on 7/6/2021 and 10/1/2021	461	57
1316	Pico & Valdez D., Kirkmeyer & Moreno	Conform The Term Lease Purchase To Accounting Std	Approved 6/24/2021	7/1/2021	325	172
1317	Garnett & Caraveo, Hansen & Lundeen	Regulating Marijuana Concentrates	Approved 6/24/2021	Portions on 6/24/2021 and 1/1/2022	313	313
1318	Herod & Ortiz, Garcia & Jaquez Lewis	Create Outdoor Equity Grant Program	Approved 6/21/2021	6/21/2021	272	273
1319	Duran, Lee	Temporary Mod To Prevailing Wage Requirements	Approved 6/23/2021	6/23/2021	305	172
1320	Tipper & Benavidez, Lee	Sunset Sex Offender Management Board	Approved 7/2/2021	7/2/2021	425	172
1321	Kennedy & Weissman, Moreno & Pettersen	Voter Transparency In Ballot Measures	Approved 7/7/2021	7/7/2021	474	98
1322	Snyder & Titone, Pettersen	Gasoline & Special Fuel Tax Restructuring	Approved 7/6/2021	No Safety Clause 1/1/2022	453	329
1323	Cutter & Amabile, Fenberg & Rankin	Special Olympics License Plate	Approved 6/24/2021	No Safety Clause	336	267

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1324	Pelton & Roberts, Rodriguez & Hisey	Promote Innovative & Clean Energy Technologies	Approved 7/6/2021	No Safety Clause	441	306
1325	McCluskie & Herod, Zenzinger & Rankin	Funding Public Schools Formula	Approved 6/29/2021	6/29/2021	376	85
1326	McLachlan & Will, Story	2020-21 General Fund Transfer Support DNR Programs	Approved 6/21/2021	6/21/2021	274	273
1327	Ortiz & Van Winkle, Kolker & Woodward	State & Local Tax Parity Act For Businesses	Approved 6/23/2021	6/23/2021	300	330
1328	Herod & Van Winkle, Fields & Priola	Effective Date Of Senate Bill 20-123	Approved 6/28/2021	6/28/2021	363	91
1329	Gonzales-Gutierrez & Woodrow, Holbert & Gonzales	ARPA Money To Invest Affordable Hous	Approved 6/25/2021	6/25/2021	347	173
1330	McCluskie & Ricks, Zenzinger & Kirkmeyer	Higher Ed Student Success	Approved 6/29/2021	6/29/2021	377	91

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BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
001	Winter & Priola, Herod & Sandridge	Modify COVID-19 Relief Programs For Small Business	Approved 1/21/2021	1/21/2021	6	115
002	Winter & Gonzales, Herod	Extending Limitations On Debt Collection Actions	Approved 1/21/2021	1/21/2021	7	38
003	Fields & Holbert, Ortiz & Larson	Recreate Occupational Therapy Practice Act	Approved 1/21/2021	1/21/2021	4	277
004	Garcia & Simpson, Esgar & Luck	Jurisdiction Over Pueblo Chemical Depot	Approved 4/20/2021	No Safety Clause	46	115
006	Rodriguez, Soper & Titone	Human Remains Natural Reduction Soil	Approved 5/10/2021	No Safety Clause	123	277
008	Simpson, Valdez D. & Holtorf	Remove Junior From Certain College Names	Approved 5/18/2021	No Safety Clause	155	86
009	Jaquez Lewis, Caraveo	Reproductive Health Care Program	Approved 7/6/2021	No Safety Clause	430	190
011	Fields, Mullica & Pelton	Pharmacist Prescribe Dispense Opiate Antagonist	Approved 6/4/2021	No Safety Clause	207	278
012	Donovan, Roberts	Former Inmates With Fire Service Experience	Approved 4/15/2021	4/15/2021	29	115
013	Fields, Bacon & Froelich	Reversing COVID-related Learning Loss	Approved 5/13/2021	5/13/2021	132	59
015	Cooke & Garcia, Ortiz & Lynch	Veterans Service Org Stipend For Funeral Services	Approved 5/27/2021	No Safety Clause	188	253
016	Pettersen & Moreno, Esgar & Mullica	Protecting Preventive Health Care Coverage	Approved 7/6/2021	7/6/2021	428	226
017	Hisey & Zenzinger, Larson & Bradfield	Sexual Contact By An Educator	Approved 7/2/2021	No Safety Clause 7/2/2021	417	59
018	Moreno, Esgar	Continuation Of Necessary Document Program	Approved 7/2/2021	7/2/2021	418	175

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019	Kolker & Simpson, Tipper & Rich	Authorize Notices Of Valuation On Postcard	Approved 3/21/2021	3/21/2021	14	318
020	Hansen & Hisey, Valdez A. & Soper	Energy Equipment & Facility Property Tax Valuation	Approved 4/22/2021	No Safety Clause	51	318
021	Buckner & Hisey, Young & Carver	Audiology & Speech-language Interstate Compact	Approved 5/28/2021	No Safety Clause	194	279
022	Bridges & Smallwood, Snyder & McKean	Notification Requirements For HCPF Audit	Approved 5/21/2021	No Safety Clause	167	190
024	Jaquez Lewis & Rankin, Sullivan	Welcome Home Vietnam Veterans Day	Approved 3/30/2021	3/30/2021	22	116
025	Pettersen & Coram, Tipper & Will	Family Planning Serv For Eligible Individuals	Approved 7/6/2021	No Safety Clause	432	190
026	Moreno, Ortiz	Restoration Of Honor Act	Approved 4/19/2021	No Safety Clause 11/11/2021	42	253
027	Pettersen & Danielson, Gonzales-Gutierrez & Tipper	Emergency Supplies For CO Babies & Families	Approved 7/6/2021	7/6/2021	431	209
029	Fenberg, Garnett & Benavidez	Colorado American Indian Tribes In-state Tuition	Approved 6/28/2021	6/28/2021	369	86
030	Holbert, Van Winkle & Titone	Criminal Theft Of Rental Property	Approved 5/27/2021	5/27/2021	189	44
032	Donovan, Ortiz	Mobile Veterans-support Unit Grant Program	Approved 6/23/2021	No Safety Clause	297	254
035	Rodriguez, Bird	Restrictions On Third-party Food Delivery Services	Approved 6/4/2021	No Safety Clause	208	23
038	Zenzinger & Smallwood, Kennedy & Van Winkle	Expansion of Complementary & Alternative Medicine	Approved 6/30/2021	No Safety Clause	404	191
039	Zenzinger & Hisey, Caraveo & Pelton	Elimination Of Subminimum Wage Employment	Approved 6/29/2021	7/1/2021	380	240
040	Scott & Gonzales, Rich & Roberts	Driver's History Profession Or Occupation Decision	Approved 4/26/2021	No Safety Clause	59	279
041	Moreno, McCluskie	Dept of Corrections Supp	Approved 3/21/2021	3/21/2021	492	9

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042	Moreno, McCluskie	Dept of Gov, Lt Gov, & OSPB Supp	Approved 3/21/2021	3/21/2021	493	9
043	Moreno, McCluskie	Dept of Health Care Policy & Financing Supp	Approved 3/21/2021	3/21/2021	494	9
044	Moreno, McCluskie	Dept of Human Services Supp	Approved 3/21/2021	3/21/2021	495	9
045	Moreno, McCluskie	Judicial Department Supp	Approved 3/21/2021	3/21/2021	496	10
046	Moreno, McCluskie	Dept of Law Supp	Approved 3/21/2021	3/21/2021	497	10
047	Moreno, McCluskie	Dept of Natural Resources Supp	Approved 3/21/2021	3/21/2021	498	10
048	Moreno, McCluskie	Dept of Personnel Supp	Approved 3/21/2021	3/21/2021	499	10
049	Moreno, McCluskie	Dept of Public Safety Supp	Approved 3/21/2021	3/21/2021	500	10
050	Moreno, McCluskie	Dept of State Supp	Approved 3/21/2021	3/21/2021	501	11
051	Moreno, McCluskie	Dept of Treasury Supp	Approved 3/21/2021	3/21/2021	502	11
052	Moreno, McCluskie	Capital Construction Supp	Approved 3/12/2021	3/12/2021	503	11
053	Moreno & Zenzinger, McCluskie & McLachlan	Adjustments To School Funding FY 2020-21	Approved 3/15/2021	3/15/2021	9	60
054	Hansen & Rankin, McCluskie	Transfers For Wildfire Mitigation & Response	Approved 3/21/2021	3/21/2021	18	269
055	Moreno, Ransom	Collection Of State Debts	Approved 3/21/2021	3/21/2021	12	116
056	Holbert & Gonzales, Van Winkle & Gray	Expand Cannabis-based Medicine At Schools	Approved 5/5/2021	No Safety Clause	96	61
057	Winter & Gonzales, Gray & Gonzales-Gutierrez	Private Lenders Of Student Loans Acts & Practices	Approved 6/29/2021	6/29/2021	378	23

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058	Story & Coram, Woodrow & Larson	Approval Of Alternative Principal Programs	Approved 5/24/2021	5/24/2021	490	62
059	Lee & Gardner, Gonzales-Gutierrez & Geitner	Juvenile Justice Code Reorganization	Approved 5/13/2021	10/1/2021	136	14
060	Donovan, Roberts	Expand Broadband Service	Approved 6/27/2021	6/29/2021	357	117
063	Sonnenberg & Fields, Hooton & Pelton	Multiple Employer Welfare Arrangements Offer Ins	Approved 7/7/2021	No Safety Clause	467	226
064	Garcia & Cooke, Mullica	Retaliation Against An Elected Official	Approved 5/27/2021	7/1/2021	190	44
065	Liston, Mullica	Gasoline & Special Fuels Tax Info Disclosure	Approved 3/21/2021	No Safety Clause	15	318
066	Lee, Michaelson Jenet	Juvenile Diversion Programs	Approved 4/29/2021	Portions on 4/29/2021, 10/1/2021, and 7/1/2023	64	14
067	Coram & Hansen, McLachlan & Carver	Strengthening Civics Education	Approved 5/6/2021	No Safety Clause	98	62
068	Gardner & Lee, Soper & Snyder	Enactment Of CRS 2020	Approved 3/25/2021	3/25/2021	20	317
069	Priola, Valdez A. & Ortiz	License Plate Expiration On Change Of Ownership	Approved 7/2/2021	No Safety Clause	419	256
070	Moreno, Bird	County Authority To Register Businesses	Approved 4/7/2021	No Safety Clause	23	103
071	Buckner, Daugherty & Boesenecker	Limit The Detention Of Juveniles	Approved 7/6/2021	7/6/2021	463	14
072	Hansen & Coram, Valdez A. & Catlin	PUC Modernize Electric Transmission Infrastructure	Approved 6/24/2021	6/24/2021	329	293
073	Danielson & Coram, Michaelson Jenet & Soper	Civil Action Statute Of Limitations Sexual Assault	Approved 4/15/2021	1/1/2022	28	38
075	Gardner & Ginal, Tipper & Young	Supported Decision-making Agreement	Approved 4/26/2021	No Safety Clause	61	275

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076	Scott & Bridges, Valdez A. & Larson	Fund Electronic Third-party Vehicle Transactions	Approved 7/7/2021	7/7/2021	475	257
077	Gonzales, Benavidez & Kipp	Remove Lawful Presence Verification Credentialing	Approved 5/27/2021	No Safety Clause	186	280
078	Jaquez Lewis & Danielson, Sullivan & Herod	Lost Or Stolen Firearms	Approved 4/19/2021	No Safety Clause	38	44
079	Sonnenberg, Pelton & Valdez D.	Deregulate Meat Sales Direct To Consumers	Approved 4/29/2021	4/29/2021	74	2
081	Kolker, Michaelson Jenet	Measures To Prevent The Misuse Of Safe2Tell	Approved 6/30/2021	6/30/2021	390	63
082	Priola & Pettersen, Mullica & Williams	Alcohol Beverage Festival For Tastings & Sales	Approved 5/28/2021	No Safety Clause	195	307
083	Hansen, Herod	Higher Ed Student Financial Assistance Funding	Approved 3/21/2021	3/21/2021	13	86
084	Smallwood, Gray	Local Government Authority Roughed-in Roads	Approved 4/22/2021	No Safety Clause	50	257
087	Danielson & Moreno, McCormick & Caraveo	Agricultural Workers' Rights	Approved 6/25/2021	6/25/2021	337	240
088	Danielson & Fields, Michaelson Jenet & Soper	Child Sexual Abuse Accountability Act	Approved 7/6/2021	1/1/2022	442	39
090	Smallwood, Hooton	Small Group Health Insurance Plan Renewal	Approved 3/25/2021	No Safety Clause	21	227
091	Liston & Rodriguez, Bird & Larson	Credit Transaction Charge Limitations	Approved 7/7/2021	No Safety Clause 7/1/2022	476	24
092	Kolker & Simpson, Jodeh & Soper	Sunset Surgical Assts & Surgical Technologists	Approved 5/17/2021	9/1/2021	139	280
093	Bridges, Lontine	Sunset Continue Healthcare Infections Adv Cmt	Approved 5/7/2021	9/1/2021	110	175
094	Ginal & Winter, Roberts & Ortiz	Sunset Continue State Board Of Pharmacy	Approved 6/24/2021	Portions on 6/24/2021 and 9/1/2021	314	281

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095	Danielson, Ricks	Sunset Employment First Advisory Partnership	Approved 6/30/2021	9/1/2021	403	241
096	Kolker & Priola, Bird	Sunset Workers' Comp Classification Appeals Board	Approved 4/15/2021	4/15/2021	30	242
097	Garcia & Smallwood, Caraveo & Williams	Sunset Continue Medical Transparency Act	Approved 5/7/2021	9/1/2021	111	283
098	Jaquez Lewis & Pettersen, Mullica & Rich	Sunset Prescription Drug Monitoring Program	Approved 6/22/2021	7/1/2021	285	283
099	Danielson, Young & Van Beber	Sunset License Plate Disability Support Act	Approved 5/6/2021	9/1/2021	100	118
100	Buckner, McCluskie	Sunset Continue Council Higher Ed Representatives	Approved 5/17/2021	9/1/2021	140	87
101	Fields & Story, Caraveo & Williams	Sunset Direct-entry Midwives	Approved 5/28/2021	9/1/2021	196	284
102	Buckner & Simpson, Duran & Will	Sunset Dental Hygienists Specialized Functions	Approved 4/15/2021	9/1/2021	31	285
103	Fenberg & Winter, Esgar	Sunset Office Of Consumer Counsel	Approved 7/7/2021	9/1/2021	477	294
104	Zenzinger, Kipp & Boesenecker	Sunset Special Education Fiscal Advisory Committee	Approved 5/17/2021	9/1/2021	141	63
106	Coleman & Priola, McLachlan & Baisley	Concerning Successful High School Transitions	Approved 7/7/2021	7/7/2021	486	63
107	Danielson, Young & McLachlan	Honoring Carrie Ann Lucas	Approved 4/26/2021	No Safety Clause	60	118
108	Story, Bennett & Cutter	PUC Gas Utility Safety Inspection Authority	Approved 7/6/2021	7/6/2021	465	295
109	Hansen & Rankin, McCluskie & Herod	Bond Payments For Auraria Higher Ed Center	Approved 3/12/2021	3/12/2021	8	87
110	Zenzinger & Priola, Herod & Exum	Fund Safe Revitalization Of Main Streets	Approved 3/19/2021	3/19/2021	11	118
111	Moreno & Gonzales, Herod & Ortiz	Program To Support Marijuana Entrepreneurs	Approved 3/21/2021	3/21/2021	19	307



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112	Garcia & Simpson, McCluskie & Will	Gen Fund Transfer To Cap Constr Fund State Parks	Approved 3/21/2021	3/21/2021	16	118
113	Fenberg & Rankin, McCluskie & Lynch	Firefighting Aircraft Wildfire Mgmt & Response	Approved 3/21/2021	3/21/2021	17	118
115	Zenzinger & Lundeen, Titone & Larson	Annual Funding For Talking Book Library Services	Approved 5/28/2021	No Safety Clause	197	296
116	Danielson, Benavidez & McLachlan	Prohibit American Indian Mascots	Approved 6/28/2021	6/28/2021	370	65
117	Moreno, Michaelson Jenet	Foster Care Student Services Coordination	Approved 4/26/2021	4/26/2021	56	65
118	Ginal & Gardner, Pelton & Snyder	Alternative Response Mistreatment At-risk Adults	Approved 6/17/2021	6/17/2021	253	209
119	Bridges & Lundeen, Esgar & Geitner	Increasing Access To High-Quality Credentials	Approved 6/30/2021	No Safety Clause	383	66
121	Hansen & Priola, Bockenfeld & Bird	Revised Uniform Unclaimed Property Act	Approved 4/15/2021	4/15/2021	32	119
122	Ginal, Froelich	Opiate Antagonist Bulk Purchase & Standing Orders	Approved 4/15/2021	4/15/2021	33	175
123	Ginal & Coram, McCormick & Lynch	Expand Canadian Rx Import Program	Approved 4/26/2021	No Safety Clause	57	191
124	Lee, Weissman	Changes To Felony Murder	Approved 4/26/2021	No Safety Clause 9/15/2021	58	45
126	Fields, Michaelson Jenet & Soper	Timely Credentialing Of Physicians By Insurers	Approved 7/6/2021	No Safety Clause	443	227
128	Kolker, Lontine	Mod To Admin Of The Nursing Home Penalty Cash Fund	Approved 6/23/2021	6/23/2021	302	175
129	Garcia, Ortiz	Veteran Suicide Prevention Pilot Program	Approved 6/23/2021	No Safety Clause	296	210
130	Holbert & Pettersen, Van Winkle & Bird	Local Auth For Bus Personal Property Tax Exemption	Approved 4/29/2021	4/29/2021	75	319
131	Gonzales, Gonzales-Gutierrez	Protect Personal Identifying Info Kept By State	Approved 6/25/2021	6/25/2021	353	119

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133	Coram, Catlin & Will	Donated Alcohol Beverages For Special Events	Approved 5/7/2021	No Safety Clause	112	308
135	Ginal & Zenzinger, Duran & Froelich	Prohibit Certain Animals In Traveling Animal Act	Approved 5/14/2021	No Safety Clause	137	2
136	Ginal & Coram, Cutter & Carver	Sunset Forest Health Advisory Council	Approved 5/28/2021	9/1/2021	198	269
137	Pettersen & Winter, Michaelson Jenet & Kennedy	Behavioral Health Recovery Act	Approved 6/28/2021	6/28/2021	362	201
138	Coleman, Sandridge & Bacon	Improve Brain Injury Support In Crim Jus Sys	Approved 7/6/2021	7/6/2021	456	33
139	Fields & Simpson, Lontine & Soper	Coverage For Telehealth Dental Services	Approved 5/7/2021	5/7/2021	113	228
141	Priola & Kolker, Bernett & Baisley	SIPA Competitive Solicitation Method	Approved 4/15/2021	4/15/2021	34	121
142	Pettersen & Donovan, Caraveo & McCluskie	Health Care Access In Cases Of Rape Or Incest	Approved 5/21/2021	5/21/2021	168	192
143	Gardner, Tipper & Snyder	Uniform Collaborative Law Act	Approved 5/17/2021	No Safety Clause 1/1/2022	142	40
144	Garcia & Cooke, Titone & Van Beber	Sunset Homeland Security & All-hazards Adv Cmt	Approved 4/29/2021	9/1/2021	66	122
145	Simpson, Valdez D.	Extending Expiring Tax Check-offs	Approved 4/22/2021	No Safety Clause	53	319
146	Lee, Bacon	Improve Prison Release Outcomes	Approved 7/6/2021	7/6/2021	459	33
147	Fields & Holbert, Froelich & Van Winkle	Sunset Continue Licensing Of Athletic Trainers	Became Law 5/22/2021	9/1/2021	174	285
148	Gonzales & Kolker, Esgar & Tipper	Creation Of Financial Empowerment Office	Approved 6/24/2021	7/1/2021	315	122
151	Buckner & Rankin, Young & Rich	Literacy Curriculum Transparency	Approved 6/18/2021	6/18/2021	267	68
152	Lee & Gardner, Herod & Soper	Rule Review Bill	Approved 5/10/2021	5/10/2021	124	1

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153	Coleman & Cooke, Ortiz & Tipper	DOC Offender ID Assistance Prog	Approved 5/6/2021	No Safety Clause	101	35
154	Kolker & Simpson, Cutter & Soper	988 Suicide Prevention Lifeline Network	Approved 6/28/2021	No Safety Clause	360	204
155	Hisey & Story, Amabile & Baisley	Ltd Gaming Commn Member From Gaming Area	Approved 5/21/2021	No Safety Clause	169	123
156	Garcia, Mullica	Nurse Intake Of 911 Calls Grant Program	Approved 6/18/2021	6/18/2021	261	296
157	Priola, Michaelson Jenet & Baisley	Increase Cap Charter School Moral Obligation Bonds	Approved 4/15/2021	No Safety Clause	35	68
158	Danielson & Pettersen, Titone & Duran	Increase Medical Providers For Senior Citizens	Approved 7/6/2021	No Safety Clause	427	176
160	Gardner, Snyder	Mod To Local Government Election Codes	Approved 5/13/2021	No Safety Clause	133	110
162	Gardner, Snyder & Soper	Colorado Uniform Trust Code Part 5	Approved 5/21/2021	No Safety Clause	170	275
166	Rankin & Fenberg, McCluskie & Will	CO Fire Commn Recommendations	Approved 6/22/2021	6/22/2021	287	123
167	Holbert & Bridges, Gray & Larson	Regulation Of Child Care Centers	Approved 5/13/2021	No Safety Clause	131	211
169	Buckner, Ricks & Esgar	Restrict Insurers' Use Of External Consumer Data	Approved 7/6/2021	No Safety Clause	436	228
171	Gardner, Snyder & Soper	Uniform Fiduciary Income And Principal Act	Approved 5/17/2021	No Safety Clause 1/1/2022	143	275
172	Danielson & Garcia, Gonzales-Gutierrez & Ortiz	Educator Pay Raise Fund	Approved 7/7/2021	Portions on 7/7/2021 and on approval of a certain measure by a majority of voters	485	68

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173	Gonzales & Moreno, Caraveo & Gonzales-Gutierrez	Rights In Residential Lease Agreements	Approved 6/25/2021	No Safety Clause 10/1/2021	349	289
174	Cooke & Ginal, Bird & Carver	Policies For Peace Officer Credibility Disclosures	Approved 7/2/2021	No Safety Clause	420	45
175	Jaquez Lewis & Gonzales, Caraveo & Kennedy	Prescription Drug Affordability Review Board	Approved 6/16/2021	6/16/2021	240	230
178	Moreno, McCluskie	Extend Care Subfund Deadline For COVID-19 Programs	Approved 5/13/2021	5/13/2021	134	124
179	Zenzinger & Kirkmeyer, Kipp & Lynch	Colorado Opportunity Scholarship Initiative Adv Bd	Approved 5/7/2021	5/7/2021	114	87
181	Fields & Coram, Herod & Caraveo	Equity Strategic Plan Address Health Disparities	Approved 7/6/2021	7/6/2021	429	177
185	Zenzinger & Rankin, McLachlan & McCluskie	Supporting Educator Workforce In Colorado	Approved 6/16/2021	No Safety Clause	246	69
188	Danielson, Duran & Ortiz	Ballot Access For Voters With Disabilities	Approved 5/21/2021	No Safety Clause	171	94
189	Donovan, Catlin & McCormick	CO Water Conservation Bd Construction Fund Project	Approved 6/24/2021	6/24/2021	333	340
190	Rodriguez & Lundeen, Duran & Carver	Protect Personal Data Privacy	Approved 7/7/2021	No Safety Clause 7/1/2023	483	24
191	Donovan, McLachlan & McCluskie	Residency Reqmnt Western Colorado University Bd	Approved 5/21/2021	No Safety Clause	172	87
192	Gonzales, Amabile	Housing Mentors In Youthful Offender Facility	Approved 5/6/2021	No Safety Clause	102	46
193	Buckner, Herod	Protection Of Pregnant People In Perinatal Period	Approved 7/6/2021	No Safety Clause	433	211
194	Buckner, Herod	Maternal Health Providers	Approved 7/6/2021	No Safety Clause	434	212
195	Story, Snyder & Soper	Notarization Of Certain Probate Docs	Approved 5/7/2021	5/7/2021	115	276

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196	Fenberg, Esgar	FY 2021-22 Legislative Appropriation Bill	Approved 4/26/2021	4/26/2021	491	11
198	Smallwood & Rodriguez, Roberts & Bockenfeld	Repeal Capital Construction Ed Fund Report Reqmnt	Approved 5/13/2021	No Safety Clause	135	101
199	Jaquez Lewis & Winter, Esgar & Gonzales-Gutierrez	Remove Barriers To Certain Public Opportunities	Approved 6/25/2021	Portions on 6/25/2021 and 7/1/2022	351	125
201	Danielson & Pettersen, Young & Boesenecker	Stricter Transparency & Enforcement In Child Care	Approved 6/16/2021	6/16/2021	244	213
202	Moreno & Lundeen, Sirota & Larson	Pub School Air Quality Improvement Grants	Approved 6/16/2021	6/16/2021	248	70
203	Bridges & Simpson, Valdez D. & Pelton	Funding For Colorado Proud	Approved 6/21/2021	6/21/2021	278	3
204	Donovan & Rankin, Young & Van Beber	Rural Econ Dev Initiative Grant Program Funding	Approved 6/15/2021	6/15/2021	233	126
205	Moreno, McCluskie	2021-22 Long Bill	Approved 5/17/2021	5/17/2021	504	12
206	Moreno, McCluskie	Educator Licensure Cash Fund	Approved 5/4/2021	5/4/2021	84	71
207	Moreno & Rankin, Herod	Public School Cap Constr Assistance Fund Transfer	Approved 4/30/2021	4/30/2021	76	126
208	Moreno, Herod	General Fund Transfer To State Education Fund	Approved 5/4/2021	5/4/2021	85	126
209	Rankin, McCluskie	Transfer To General Fund From Repealed Cash Funds	Approved 4/30/2021	4/30/2021	77	126
210	Hansen, Ransom	Remote Supports For Elderly, Blind, & Disab Waiver	Approved 4/30/2021	4/30/2021	78	192
211	Moreno, Herod	Adult Dental Benefit	Approved 5/4/2021	5/4/2021	86	192
212	Moreno, McCluskie	Primary Care Payments Align Federal Funding	Approved 5/4/2021	5/4/2021	87	192
213	Moreno, McCluskie	Use Of Increased Medicaid Match	Approved 5/4/2021	5/4/2021	88	193

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214	Hansen, McCluskie	State Payment Hospice Providers Residential Care	Approved 5/4/2021	5/4/2021	89	194
215	Hansen & Rankin, Herod & McCluskie	Use Of Open Educational Resources In Higher Ed	Approved 5/5/2021	5/5/2021	97	87
216	Rankin, Herod	Auxiliary Services Rural Areas	Approved 4/30/2021	4/30/2021	79	214
217	Hansen & Rankin, Herod & McCluskie	Market Rate Study For Child Care Assistance Prog	Approved 5/4/2021	No Safety Clause	90	214
218	Hansen & Rankin, McCluskie	CDLE Employment & Training Technology Fund	Approved 4/27/2021	4/27/2021	62	242
219	Rankin, McCluskie	Colorado Avalanche Information Center Fund Approps	Approved 4/30/2021	4/30/2021	80	126
220	Hansen & Rankin, Herod	Reverse Transfers From Sev Tax Operational Fund	Approved 4/30/2021	4/30/2021	81	127
221	Hansen & Rankin, McCluskie	Projects Under Wildfire Risk Mitigation Grant Prog	Approved 5/4/2021	5/4/2021	91	127
222	Rankin, Ransom	Repeal Recovery Audit Program	Approved 5/4/2021	5/4/2021	92	127
223	Hansen, Ransom	Location Of DOR Administrative Hearing	Approved 5/4/2021	5/4/2021	93	128
224	Hansen, Ransom	Capital-related Transfers Of Money	Approved 4/29/2021	4/29/2021	67	128
225	Rankin, Ransom	Repay Cash Funds For 2020 Transfers	Approved 4/29/2021	4/29/2021	68	128
226	Moreno, McCluskie	Increase The General Fund Reserve	Approved 5/17/2021	5/17/2021	150	129
227	Moreno & Rankin, Ransom	State Emergency Reserve	Approved 4/29/2021	4/29/2021	69	129
228	Hansen & Moreno, McCluskie & Ransom	PERA Payment Cash Fund	Approved 5/4/2021	5/4/2021	94	129
229	Danielson & Story, Amabile & McKean	Rural Jump-start Zone Grant Program	Approved 6/15/2021	6/15/2021	236	129

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230	Hansen & Winter, Valdez A. & Bernett	Transfer To CO Energy Office Energy Fund	Approved 6/14/2021	6/14/2021	226	297
231	Story & Hisey, Hooton & Weissman	Energy Office Weatherization Assistance Grants	Approved 6/14/2021	6/14/2021	227	130
232	Zenzinger & Kirkmeyer, Kipp & Bird	Displaced Workers Grant	Approved 6/24/2021	6/24/2021	318	88
233	Rodriguez & Hansen, Benavidez & Gonzales-Gutierrez	CDLE Unemployment Insurance Division Enterprise	Approved 7/2/2021	Portions on 7/2/2021 and 9/7/2021	422	243
234	Jaquez Lewis & Sonnenberg, Cutter & Holtorf	General Fund Transfer Ag & Drought Resiliency	Approved 6/15/2021	6/15/2021	235	340
235	Jaquez Lewis & Priola, Bernett & McCormick	Stimulus Funding Dept Of Ag Efficiency Programs	Approved 6/15/2021	6/15/2021	232	297
236	Story & Sonnenberg, Tipper & Van Beber	Increase Capacity Early Childhood Care & Educ	Approved 6/16/2021	6/16/2021	243	215
237	Donovan, McCluskie & Lynch	Create Forest Health Council In DNR	Approved 6/22/2021	9/2/2021	288	269
238	Garcia & Zenzinger, Esgar & Gray	Create Front Range Passenger Rail District	Approved 6/30/2021	Portions on 6/30/2021 and 5/15/2022	401	110
239	Kolker & Zenzinger, Amabile & Young	2-1-1 Statewide Human Services Referral System	Approved 6/18/2021	6/18/2021	266	216
240	Danielson & Simpson, Kipp & Catlin	Watershed Restoration Grant Program Stimulus	Approved 6/15/2021	6/15/2021	237	341
241	Fields & Bridges, Ricks & Daugherty	Small Business Accelerated Growth Program	Approved 6/14/2021	6/14/2021	230	130
242	Gonzales & Pettersen, Gonzales-Gutierrez & Woodrow	Hous Dev Grants Hotels Tenancy Support Prog	Approved 6/25/2021	6/26/2021	346	131
243	Moreno, McCluskie	CDPHE Appropriation Public Health Infrastructure	Approved 6/24/2021	6/24/2021	317	177
244	Garcia & Fenberg, Garnett & Esgar	Funding Health Benefits For Legislative Aides	Approved 6/21/2021	6/21/2021	275	101

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245	Donovan & Rankin, McCluskie & Will	Backcountry Search & Rescue In Colorado	Approved 6/27/2021	6/27/2021	358	269
246	Fenberg, Valdez A. & Froelich	Electric Util Promote Beneficial Electrification	Approved 6/21/2021	No Safety Clause	283	298
248	Donovan & Simpson, McCormick & Holtorf	Loan Program For Colorado Agriculture	Approved 6/29/2021	6/29/2021	374	3
249	Fenberg & Donovan, Will & Tipper	Keep Colorado Wild Annual Pass	Approved 6/21/2021	No Safety Clause	273	270
250	Fenberg & Gonzales, Lontine & Caraveo	Elections & Voting	Approved 6/21/2021	Portions on 6/21/2021 and 3/1/2022	282	94
251	Winter & Moreno, Gray & Caraveo	General Fund Loan Family Medical Leave Program	Approved 6/14/2021	6/14/2021	224	243
252	Fenberg & Holbert, Titone & Lontine	Community Revitalization Grant Program	Approved 6/16/2021	6/16/2021	242	132
253	Zenzinger & Danielson, Carver & Michaelson Jenet	Women Veterans With Disabilities License Plate	Approved 6/24/2021	No Safety Clause	319	257
254	Kirkmeyer & Zenzinger, Lynch & Pico	Eliminate Obsolete Committee Child Care Licensing	Approved 6/30/2021	No Safety Clause	391	133
255	Winter, Herod & Titone	Free Menstrual Hygiene Products To Students	Approved 7/6/2021	No Safety Clause	444	71
256	Fenberg & Moreno, Hooton & Daugherty	Local Regulation Of Firearms	Approved 6/19/2021	6/19/2021	269	105
257	Zenzinger & Scott, Benavidez & Van Winkle	Special Mobile Machinery Registration Exemption	Approved 7/7/2021	7/1/2022	478	258
258	Ginal & Rankin, Snyder & Froelich	Wildfire Risk Mitigation	Approved 6/15/2021	6/15/2021	238	105
259	Rodriguez, Bird & Sandridge	Modify Nonforfeiture Percent Surrender Annuity	Approved 6/30/2021	6/30/2021	387	232
260	Fenberg & Winter, Garnett & Gray	Sustainability Of The Transportation System	Approved 6/17/2021	Portions on 6/17/2021 and 6/30/2021	250	331



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261	Fenberg & Priola, Valdez A. & Amabile	PUC Encourage Renewable Energy Generation	Approved 6/21/2021	6/21/2021	280	25
262	Zenzinger & Gardner, Bird & McKean	Special District Transparency	Approved 6/28/2021	No Safety Clause	368	113
263	Zenzinger & Smallwood, Bird & Van Winkle	Outdoor Advertising Act	Approved 6/30/2021	6/30/2021	388	336
264	Hansen, Valdez A. & Bernett	Adopt Prog Reduce Greenhouse Gas Emissions Util	Approved 6/24/2021	6/24/2021	328	299
265	Zenzinger & Rankin, McCluskie & McKean	Transfer From General Fund To State Highway Fund	Approved 6/18/2021	6/18/2021	254	337
266	Gardner & Lee, Weissman & Soper	Revisor's Bill	Approved 7/2/2021	Portions on 7/2/2021, 9/1/2021, and 10/1/2021	423	317
267	Hansen, Herod	Office Of Public Guardianship Extension	Approved 6/21/2021	6/21/2021	276	40
268	Zenzinger & Lundeen, McLachlan & McCluskie	Public School Finance	Approved 6/11/2021	6/11/2021	222	71
269	Winter & Smallwood, Michaelson Jenet & Van Beber	Licensing Of Respite Child Care Centers	Approved 7/2/2021	No Safety Clause	424	217
270	Bridges & Hisey, Valdez A. & Larson	Increase Alcohol Beverages On-premises Production	Approved 7/7/2021	No Safety Clause	479	308
271	Gonzales & Gardner, Roberts & Gonzales-Gutierrez	Misdemeanor Reform	Approved 7/6/2021	No Safety Clause 3/1/2022	462	46
272	Hansen & Fenberg, Bernett	Measures To Modernize The PUC	Approved 6/10/2021	6/10/2021	220	300
274	Moreno, Herod	Sustainable Model To Serve Facility Students	Approved 6/25/2021	6/25/2021	341	75
275	Moreno & Rankin, McCluskie	Child Find Responsibilities	Approved 6/30/2021	Portions on 6/30/2021 and 7/1/2022	393	217

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276	Moreno, Herod & Ransom	Childrens Habilitation Residential Prog Enrollment	Approved 6/25/2021	6/25/2021	342	218
277	Moreno, Herod	Child Welfare Services Allocation Formula	Approved 6/25/2021	6/25/2021	343	218
278	Moreno, Herod	Reimbursement For Out-of-home Placement Services	Approved 6/25/2021	6/25/2021	344	15
279	Story & Simpson, Roberts & Valdez D.	Delinquent Interest Payments Property Tax	Approved 6/28/2021	6/28/2021	365	319
280	Fields & Cooke, Weissman & Soper	Bias-motivated Crimes	Approved 6/28/2021	6/28/2021	372	47
281	Hansen & Rankin, McCluskie & Ransom	State Severance Tax Trust Fund Allocation	Approved 6/18/2021	Portions on 6/18/2021 and 6/24/2021	255	319
282	Bridges & Woodward, Snyder & Van Winkle	Continue Small Bus Destination Sourcing Exception	Approved 6/30/2021	6/30/2021	394	320
283	Moreno, McCluskie	Cash Fund Solvency	Approved 6/23/2021	6/23/2021	303	133
284	Hansen & Rankin, Herod & Larson	Evidence-based Evaluations For Budget	Approved 7/6/2021	No Safety Clause	445	133
286	Moreno & Rankin, Herod & McCluskie	Distrib Federal Funds Home- & Community-based Svcs	Approved 6/30/2021	6/30/2021	395	194
287	Moreno & Rankin, McCluskie & Titone	Technology Risk Prevention & Response Fund	Approved 7/2/2021	7/2/2021	421	134
288	Moreno & Rankin, Esgar & Valdez A.	American Rescue Plan Act of 2021 Cash Fund	Approved 6/11/2021	Portions on 6/11/2021 and 6/17/2021	221	135
289	Moreno & Rankin, Herod & Bird	Revenue Loss Restoration Cash Fund	Approved 6/24/2021	6/24/2021	316	136
290	Danielson & Buckner, Young & Bradfield	Security For Colorado Seniors	Approved 7/6/2021	7/6/2021	426	219
291	Fenberg & Holbert, Roberts & Van Winkle	Economic Recovery And Relief Cash Fund	Approved 6/21/2021	6/21/2021	281	136

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
292	Winter & Rankin, Duran & Carver	Federal COVID Funding For Victim's Services	Approved 6/22/2021	6/22/2021	291	137
293	Hansen & Rankin, Esgar & Gray	Property Tax Classification & Assessment Rates	Approved 6/23/2021	Portions on 6/23/2021 and portions upon effective date of a voter- approved measure and on 12/31/2021 if not approved	301	321



## ADMINISTRATIVE RULE REVIEW

**S.B. 21-152** Continuation of 2020 rules of executive agencies - exceptions listed. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2019, and before November 1, 2020, with the exception of certain rules of the following agencies, as specifically listed in the act:

- The state board of education concerning administration of the public school transportation fund;
- The air quality control commission concerning stationary source permitting and air pollutant emission notice requirements; and
- A number of boards and commissions within the department of regulatory agencies concerning rules implementing H.B. 20-1326 and S.B. 20-102.

Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2021, on the grounds that the rules either conflict with statute or lack statutory authority.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** May 10, 2021

**H.B. 21-1137** Notice of rules adopted as a result of recent legislation - removing cosponsors from notification list - limiting the notification period. In 2013, the general assembly enacted SB13-030, which required, in part, that the office of legislative legal services provide written notice of rules adopted as a result of specific legislation enacted on or after January 1, 2013, to:

- The prime sponsors of the legislation if still serving in the general assembly;
- The cosponsors of the legislation if still serving in the general assembly; and
- The applicable committees of reference in the senate and house of representatives for the legislation.

The act removes the requirement to notify cosponsors of the legislation and limits the notification period to up to 8 years after the legislation was enacted.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## AGRICULTURE

**S.B. 21-79** Public health - deregulation of sale of animal shares and certain meat. The act allows a person to sell, without licensure, regulation, or inspection by a public health agency, rabbit meat if the animal was raised and processed by the seller and to sell shares in the meat of an animal, which includes cattle, calves, elk, sheep, hogs, bison, goats, and rabbits, but not fish, for future delivery if:

- The person displays at the point of sale a disclaimer or gives the purchaser a document with a disclaimer that:
  - The seller is not licensed and the animals or meat are not subject to state regulation or inspection by a public health agency; and
  - The animals or meat are not intended for resale; and
- The animals or meat are delivered directly from the seller to an informed end consumer and are sold only in Colorado.

The purchaser is prohibited from reselling the animal, animal share, or meat. A seller is not liable in a civil action for damages caused by inadequately cooking or improperly preparing the animal or meat for consumption.

The act also limits the number of brand inspections for an animal share sale to a single inspection before slaughter. The state board of stock inspection commissioners will promulgate rules establishing procedures for a single inspection.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**S.B. 21-135** Traveling animal acts - prohibition - exceptions - penalty. The act creates the "Traveling Animal Protection Act" (Act), which prohibits a person from causing the performance of specified animals, such as whales, dolphins, wild cats, marsupials, nonhuman primates, rhinoceroses, seals, elephants, large birds, penguins, and bears, in a traveling animal act. The Act exempts the use of livestock and alternative livestock.

The Act also exempts the use of the specified animals by or at:

- Wildlife sanctuaries;
- Nonmobile, permanent institutions, facilities, zoos, and aquariums;
- Environmental education programs;
- Universities, colleges, laboratories, and other research facilities conducting research;
- Film and television productions;
- Rodeos; and
- County fairs.

A person who violates the act commits a misdemeanor and is subject to a fine ranging from \$250 to \$1,000 per violation.

**APPROVED** by Governor May 14, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-203** Colorado proud program - appropriation. The act appropriates \$2.5 million from the general fund to the department of agriculture for the Colorado proud program.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**S.B. 21-248** Colorado agricultural future loan program - created - administration - farm-to-market infrastructure loans and grants - appropriation. The act creates the Colorado agricultural future loan program (loan program) in the department of agriculture (department) and requires the department to administer the loan program.

Beginning on or before January 1, 2022, and until January 1, 2025, the department may distribute money from the Colorado agricultural future loan program cash fund (fund), which is also created in the act, to financial entities to award farm-to-market infrastructure loans to eligible applicants. The department is not permitted to engage in direct lending activities.

Beginning on or before January 1, 2022, the department may award farm-to-market infrastructure grants to eligible applicants.

In administering the loan program, the department, to the extent practicable, shall attempt to award:

- A total of at least \$5 million but no more than \$10 million in the form of farm-to-market infrastructure loans or farm-to-market infrastructure grants by June 30, 2022; and
- A total of at least \$10 million but no more than \$20 million in the form of low-interest loans to eligible applicants by December 31, 2022.

In administering the loan program on and after January 1, 2023, to the extent practicable, the department shall prioritize the provision of loans to eligible farmers or ranchers who apply for loans from the loan program and who have owned or operated a farm or ranch for less than 10 years or represent a population that is underserved or underrepresented in Colorado agriculture.

The commissioner of agriculture is required to promulgate rules to implement the loan program, and the department is required to submit an annual report to the general assembly concerning the loan program.

The act requires the state treasurer to transfer \$30 million from the general fund to the

fund for use by the department to implement and administer the loan program. The money in the fund is continuously appropriated to the department to expend for the loan program.

For the 2021-22 state fiscal year, the act appropriates \$165,890 to the department of law, from reappropriated funds received by the department of agriculture in the fund, to provide legal services to the department of agriculture.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** June 29, 2021

**H.B. 21-1045** Invasive pest control - administration and powers of the department of agriculture - local government powers and cooperation. The act authorizes the commissioner of agriculture (commissioner) to:

- Enter into an agreement with any person or local government to provide pest control services. The department of agriculture (department) may provide pest control services directly or through a local government and may require remuneration for providing pest control services. The remuneration is deposited in the emergency invasive-pest response fund (fund) created by the act, and the commissioner is authorized to expend money in the fund to implement the act and emergency measures to control or eradicate invasive pests.
- Work cooperatively with the United States secretary of agriculture to implement a joint phytosanitary program if the program would economically or environmentally assist with mitigating or eradicating the spread of a regulated nonquarantine pest;
- Quarantine anything that harbors a pest if the pest has an economically unacceptable impact and if the measures to control the pest may achieve an acceptable level of official control;
- If the commissioner determines that a public nuisance creates an unacceptable risk of spreading a pest, coordinate with industry, support local governments, and make grants to take emergency action to quarantine, control, or eradicate an invasive pest;
- Request that, at the end of each fiscal year, money in the plant health, pest control, and environmental protection cash fund be transferred to the fund; and
- Seek and expend gifts, grants, or donations from private or public sources for the new fund, and requires the department to annually report to the general assembly regarding the amount and source of any gifts, grants, or donations received.

A board of county commissioners may declare a pest to be a public nuisance and require its control or eradication.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the



effective date, see page vi of this digest.

**H.B. 21-1102** Pet stores - transparency requirements. The act creates the "Pet Store Consumer Protection Act", which requires each pet store licensed to sell or offer to sell dogs or cats to:

- Include on all advertisements, including website postings, the purchase price of the dog or cat and any applicable federal or state license numbers for the breeder of the dog or cat;
- Post on the enclosure of each dog or cat the purchase price of the dog or cat and certain information on the dog's or cat's breeder; and
- Make certain written disclosures to a prospective consumer prior to selling a dog or cat.

The act preserves the right of a statutory or home rule local government to enact requirements for pet stores that are more stringent than the requirements of the act.

**APPROVED** by Governor May 1, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1148** Colorado state fair authority - annual report - deadline change - release to all legislative members. Under current law, the Colorado state fair authority (authority) and its board of commissioners are required to publish an annual report each year by October 31 and to distribute the report to the governor and the members of the legislative committees with jurisdiction over agricultural matters. The act changes the annual reporting deadline to January 31 or 10 days after the legislative audit committee releases the authority's financial audit, whichever is later, and requires that the report be submitted to all members of the general assembly.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1160** Pet animal facilities - animal shelters and pet animal rescues - standard of care for dogs and cats - health requirements - limits on importing dogs and cats. The act requires each animal shelter and pet animal rescue to:

- Provide each dog and cat held in its custody with timely veterinary care to address and prevent unnecessary or unjustifiable pain and suffering; and
- Address the behavioral needs of each dog and cat held in its custody to ensure

that the dog or cat is not housed or kept in a manner that fosters stereotypic or self-mutilating behavior.

The act also makes it unlawful for a person to import or cause to be imported any dog or cat for the purpose of sale by a pet animal facility, unless the dog or cat has a certificate of veterinary health and, if the dog or cat is over 6 months old, proof of a rabies vaccination.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1181 Soil health program - soil health advisory committee - appropriation.** The act creates the Colorado soil health program in the department of agriculture (department), which includes programs to encourage widespread adoption of soil health practices. An entity's participation in the soil health program is voluntary. The department, commissioner of agriculture (commissioner), and state agricultural commission will administer the soil health program.

The department shall, if financial resources are available, establish the following:

- A grant program;
- A system for monitoring the agricultural, environmental, or economic benefits of soil health practices;
- A state soil health inventory and platform;
- A soil health testing program; and
- Other programs the department deems appropriate or necessary.

Before establishing a program, the department must provide public notice and afford the public an opportunity to submit written comments.

The department may also:

- Seek, accept, and expend gifts, grants, or donations from public and private sources;
- Provide grants, loans, and other resources to eligible entities to perform soil health activities; and
- Cooperate and collaborate with other people.

The act also creates a soil health advisory committee (advisory committee). The commissioner is required to appoint members who:

- To the greatest extent possible, represent the different geographic areas, political diversity, and demographic diversity of the state; and
- Include agricultural producers of diverse production systems, a representative

of an Indian tribe, conservation district board members, and water users.

The state conservation board appoints 2 members to the advisory committee.

The advisory committee will make recommendations to the department and assist in the development of the soil health program. The advisory committee is also authorized to solicit input, review proposals and agreements, and evaluate the soil health program. The advisory committee approves grants.

The department shall maintain the confidentiality of information related to private lands that identify landowners, land managers, agricultural producers, or lands.

No later than January 31 of each year, the department shall prepare and make available to the public a report of its activities on its official website. The department shall annually report each gift, grant, or donation in its budget request for the state fiscal year to the joint budget committee and at the hearing required by the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

For the 2021-22 state fiscal year, \$4,464 is appropriated to the department for use by the agricultural services division.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1242** Agricultural drought and climate resilience office - creation - rules - grants for bona fide agricultural producers - appropriation. The act creates in the department of agriculture the agricultural drought and climate resilience office (office). The office may provide voluntary technical assistance, nonregulatory programs, and incentives that increase the ability to anticipate, prepare for, mitigate, adapt to, and respond to hazardous events, trends, or disturbances related to drought or the climate. The commissioner of agriculture shall appoint the head of the office and may adopt rules necessary for the office's administration after convening a stakeholder group.

Except for a program or support administered by the office to address immediate needs as a result of disaster, including wildfire and drought, or a program that was in existence on January 1, 2021:

- A program administered by the office must be designed to benefit bona fide agricultural producers actively engaged in agriculture;
- Grants awarded by the office must pay for implementation of practices to address and mitigate the impacts of climate change or drought or to provide direct adaptation support for impacted agricultural communities; and
- Grants must receive final approval by the state agricultural commission before

a final award can be issued.

The act:

- Annually transfers \$500,000 from the severance tax operational fund to the agriculture value-added cash fund until July 1, 2029; and
- Appropriates \$101,333 from that fund to the department of agriculture to implement the act.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**H.B. 21-1262** Agricultural and livestock events - COVID-19 relief payments - appropriation.

The act creates the agricultural events relief program in the department of agriculture to provide COVID-19 relief payments to agricultural events organizations, and appropriates \$2 million from the general fund for the program. In addition, the act appropriates:

- \$5 million for the Colorado state fair and industrial exhibition;
- \$25 million for aiding the national western stock show event in constructing the national western stock show's campus; and
- \$3.5 million for the national western stock show.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** June 29, 2021

## APPROPRIATIONS

**S.B. 21-41** Supplemental appropriation - department of corrections. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund portion of the appropriation is increased and the cash funds, reappropriated funds and federal funds portions are decreased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-42** Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and reappropriated funds portions of the appropriation are increased and the cash funds portion is decreased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-43** Supplemental appropriations - department of health care policy and financing. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund and cash funds portions of the appropriation is decreased and the reappropriated funds and federal funds portions are increased.

The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. A footnote is amended to extend the time money is to remain available for the single tool assessment project.

Restrictions on funds for the department in the 2019-20 fiscal year for the payment of overexpenditures of line item appropriations are released in accordance with section 24-75-109 (4)(a).

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-44** Supplemental appropriations - department of human services. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The federal funds portion of the appropriation is increased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-45** Supplemental appropriations - judicial department. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund and cash funds portions of the appropriation are decreased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-46** Supplemental appropriations - department of law. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of law.

Amends House Bill 20-1379, concerning suspending the direct distribution to the public employees' retirement association for the 2020-21 state fiscal year, to decrease the amount decreased for the PERA direct distribution.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-47** Supplemental appropriations - department of natural resources. Supplemental appropriations are made to the department of natural resources. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of natural resources.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-48** Supplemental appropriations - department of personnel. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The general fund portion of the appropriation is increased and the cash funds and reappropriated funds portions are decreased.

The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The general fund portion of the appropriation is increased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-49** Supplemental appropriations - department of public safety. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-50** Supplemental appropriations - department of state. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The general fund portion of the appropriation is increased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-51** Supplemental appropriations - department of the treasury. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The general fund and cash funds portions of the appropriation are increased.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-52** Supplemental appropriations - capital construction projects. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The capital construction fund and cash funds portions of the appropriation are increased.

The 2019 general appropriation act is amended to reflect the correct the name of the capitol annex repair and renovation project, under the department of personnel.

The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects under the department of higher education. The cash funds portion of the appropriation is decreased.

The 2011 general appropriation act is amended to extend the total amount appropriated for superfund sites cleanup under the department of public health and environment to June 30, 2021.

The capital construction appropriation in House Bill 18-1006, concerning modifications to the newborn screening program administered by the department of public health and environment is amended to increase the amount appropriated for use by the laboratory services division.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-196** Legislative appropriation. The act appropriates \$54,276,399 to the legislative department for the payment of expenses in the 2021-22 state fiscal year. Additionally, the act appropriates \$25,000 to the youth advisory council cash fund within the legislative

department.

**APPROVED** by Governor April 26, 2021

**EFFECTIVE** April 26, 2021

**S.B. 21-205** General appropriation act - 2021 long bill. For the state fiscal year beginning July 1, 2021, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2021. The grand total for the operating budget is set at \$34,663,861,108 of which \$9,390,465,968 is from the general funds portion of the appropriation; \$2,541,061,637 is from the general fund exempt portion; \$9,556,366,495 is from the cash funds portion; \$2,190,040,788 is from the reappropriated funds portion; and \$10,985,926,220 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2021, for capital construction projects is \$301,716,984 of which \$217,395,025 is from the capital construction fund portion of the appropriation; \$79,429,276 is from the cash funds portion; \$1,800,000 is from the reappropriated funds portion; and \$3,092,683 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2021, for information technology projects is \$65,935,383 of which \$28,711,790 is from the capital construction fund portion of the appropriation; \$29,977,393 is from the cash funds portion; and \$7,246,200 is from the federal funds portion.

The 2018 capital construction appropriations is amended to balance and make adjustments to the total amount appropriated to the departments of higher education and human services.

The 2019 general appropriation is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, and higher education.

The 2020 general appropriation is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, human services, local affairs, military and veterans affairs, public safety and treasury. The 2020 capital construction appropriations are amended to balance and make adjustments to the total amount appropriation to the department of personnel.

An appropriation made in the 2019 general appropriation act is amended to correct the name of the cash fund from which money is appropriated for the children's basic health plan medical and dental costs.

Appropriations made in House Bill 20-1385, concerning the increased money received due to the federal "Families First Coronavirus Response Act", is amended to reduce the amount appropriated to the department of higher education.



An additional appropriation is made to the legislative department for use by the joint budget committee.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** May 17, 2021

## CHILDREN AND DOMESTIC MATTERS

**S.B. 21-59** Juvenile justice. The act makes conforming amendments and includes a cleanup of the main definition section for title 19, Colorado Revised Statutes, to reflect changes made through the reorganization of article 2 of title 19, Colorado Revised Statutes.

**APPROVED** by Governor May 13, 2021

**EFFECTIVE** October 1, 2021

**S.B. 21-66** Juvenile justice - diversion programs. The act makes several changes and clarifications to current juvenile diversion programs (diversion), including:

- Clarifying the division of criminal justice in the department of public safety's (division) authority over all programs funded with diversion money;
- Clarifying that diversion funding may be allocated to entities other than district attorneys' offices;
- Requiring eligibility criteria for diversion be made public;
- Establishing that a juvenile is eligible to divert if the juvenile meets the eligibility criteria;
- Clarifying that an approved validated assessment tool may be used for decisions on the length of supervision and necessary services;
- Clarifying that a risk screening tool is to be used to inform the level and intensity of supervision;
- Establishing a clear process for data collection so the division can properly evaluate its diversion programs; and
- Creating a clearer process and role for the division in the allocation process.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**Note:** Specified provisions of the act are contingent upon Senate Bill 21-059 becoming law. Senate Bill 21-059 became law and has an effective date of October 1, 2021.

**S.B. 21-71** Juvenile justice - bond - juvenile detention bed cap reduction - decrease and increase in appropriations. The act prohibits the imposition of secured monetary or property conditions on a bond for juveniles charged with or accused of committing a delinquent act.

The act reduces the juvenile detention bed cap from 327 beds to 215 beds beginning in fiscal year 2021-22.

The act adds members and responsibilities to the existing statutory working group for criteria for placement of juvenile offenders. The working group's responsibilities include examining available alternatives to youth detention, the use of detention beds, and examining necessary investments in alternatives to youth detention.

The act decreases appropriations made in the annual general appropriation act for the

2021-22 state fiscal year to the department of human services.

The act makes the following appropriations to the department of human services:

- \$202,541 for use by the office of information and technology;
- \$427,979 for use by the division of child welfare, and an additional 4.5 FTE; and
- \$24,789 in federal funds for use by the division of child welfare.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**S.B. 21-278** Child welfare - align out-of-home placements with federal law - ensure capacity for out-of-home placements - reimbursement for providers - actuarial analysis - department working group concerning reimbursement for residential care for child not adjudicated dependent or neglected - appropriation. The act makes several changes to the current child welfare system, including:

- Ensuring that out-of-home placements in the division of youth services align with the requirements of the federal "Family First Prevention Services Act of 2018" to qualify for Title IV-E reimbursement for such placements;
- Ensuring appropriate capacity for out-of-home placements in Colorado;
- Authorizing a county to negotiate rates above the base anchor rates established by the department of human services (department) with licensed out-of-home placement providers serving children in higher acuity cases;
- Requiring the department to contract with a vendor to update the existing actuarial analysis to include division of youth services out-of-home placement providers and new out-of-home placement provider options under federal law, and to update and fully implement the existing rate methodology with the updated provider rates by September 30, 2021;
- Commencing with the 2022-23 fiscal year, requiring the department to contract with an independent vendor every 3 years to conduct a new actuarial analysis of all provider rates for licensed out-of-home placement providers, including the division of youth services providers, to update the rate-setting methodology to reflect the new actuarial analysis and to implement any adjusted provider rates by July 1, 2024, and by July 1 of each fiscal year immediately following the fiscal year in which a new actuarial analysis results in adjusted rates; and
- Requiring the use of a portion of the federal "Family First Transition and Support Act of 2019" funding to be used to support the transition of current providers to a placement option that meets the needs of the child or youth and maximizes federal Title IV-E and medicaid reimbursements.

The act requires the department to convene a working group of geographically and demographically diverse partners and stakeholders to provide feedback and recommendations regarding the collection of fees for the residential care of children or youth in out-of-home placement who are not adjudicated dependent or neglected, ensuring compliance with federal

law, including but not limited to Title IV of the federal "Social Security Act". On or before March 31, 2022, the department shall submit a report of the recommendations of the working group to select committees of the general assembly.

The act appropriates \$250,000 to the department from the general fund for use by the child welfare division for provider rate actuarial services.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**H.B. 21-1022** Surrogacy agreements - requirements - enforcement. The act creates the "Colorado Surrogacy Agreement Act" (act). The act:

- Establishes eligibility requirements for entering into surrogacy agreements (agreements) and required elements of agreements;
- Contains provisions governing the termination of agreements and the effect of a death or a change in marital status of any of the parties to such agreements;
- Authorizes court orders recognizing and enforcing agreements;
- Specifies the duties of persons under agreements;
- Authorizes court orders determining parentage; and
- Creates new definitions for agreements.

**APPROVED** by Governor May 6, 2021

**EFFECTIVE** May 6, 2021

**H.B. 21-1031** Jurisdiction - trial court - during appeal. The act declares the intention of the general assembly to reverse the holding and decision in the Colorado supreme court's (court) January 13, 2020, opinion in *In re: The Parental Responsibilities Concerning W.C.* The act gives the court continuing jurisdiction during the pendency of an appeal:

- Under article 10 of title 14, to modify a decree respecting child support or maintenance; to make or modify an order granting or denying parenting time rights; and to modify an order allocating decision-making responsibilities;
- Under the "Uniform Child-custody Jurisdiction and Enforcement Act", to exercise temporary emergency jurisdiction;
- Under the "Uniform Child Abduction Prevention Act", to modify an order concerning the allocation of parental rights and responsibilities; and
- Under the "Uniform Parentage Act", to modify an order for child support or for allocation of parental rights and responsibilities.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** May 7, 2021

**H.B. 21-1072** Out-of-home-placement - services - non-discrimination. The act requires a provider of services related to child and youth out-of-home placement (service provider) to provide fair and equal access to all available programs, benefits, and services offered by the

service provider. Services related to out-of-home placement must be provided in a manner that is culturally responsive to the complex social identity of the child or youth receiving such services.

A service provider is prohibited from denying any person the opportunity to become an adoptive or a foster parent, or delaying or denying the placement of a child or youth for adoption or into foster care, on the basis of the real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, ancestry, or any communicable disease, including HIV, of the prospective adoptive or foster parent or the child unless the delay or denial of the placement is not detrimental to the health or welfare of the child or youth.

The act requires that foster parent training include instruction on the right of a foster child or youth to have fair and equal access to all available services and other health and educational services available to foster children and foster youth, including siblings in foster care.

**APPROVED** by Governor April 19, 2021

**EFFECTIVE** April 19, 2021

**H.B. 21-1091** Juvenile sentencing - juvenile transfers - no crime of violence mandatory minimum. Under current law, a juvenile convicted as an adult following the direct filing of charges in district court is not subject to the mandatory minimum sentencing provisions for crimes of violence. However, a juvenile convicted as an adult following the transfer of charges from juvenile court to district court is subject to the mandatory minimum sentencing for crimes of violence. The act adds language to the juvenile transfer statute to mirror the language currently found in the juvenile direct file statutes, so a juvenile transferred to adult court is subject to the same sentencing provisions as a juvenile who is in adult court based on a direct file.

**APPROVED** by Governor May 24, 2021

**PORTIONS EFFECTIVE** May 24, 2021  
**PORTIONS EFFECTIVE** October 1, 2021

**Note:** Portions of the act take effect only if Senate Bill 21-059 becomes law. SB 21-059 was signed by the governor and has an effective date of October 1, 2021.

**H.B. 21-1099** Domestic abuse - task force - statutory definition - assessment policies and training standards - appropriation. Current law does not expressly recognize domestic abuse as a form of child abuse or neglect. The act establishes a domestic abuse task force (task force) that will develop a statutory definition for the Colorado Children's Code to define "domestic abuse". The statutory definition should recognize the impact domestic abuse may have on the emotional and developmental well-being of a child. The task force shall review recommendations from the department of human services' domestic violence program and child welfare workgroup (workgroup) to develop the statutory definition. The act requires the department of human services (department) to report the recommended definition to

committees of the general assembly no later than December 2022.

Under current law, child welfare caseworkers do not have established training policies or assessment procedures to identify and assess situations when a child's parent, legal guardian, or custodian exposes a child to their perpetration of domestic abuse. The act requires the department to promulgate rules based on recommendations from the workgroup to create, implement, and update assessment policies, procedures, and training standards for child welfare caseworkers to recognize, respond to, and assess child abuse or neglect related to domestic abuse while appropriately considering the role of the non-abusive caregiver, the abusive parent, and cultural considerations.

For the 2021-22 state fiscal year, \$22,500 is appropriated from the general fund to the department of human services for use by the division of child welfare for administration.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1101** Child abuse or neglect - temporary visitation orders between parent and child following removal - open adoption - post-adoption contact orders - creation of task force on high-quality parenting time -appropriation. When a child is taken into the custody of a county department of human or social services (county department) for allegations of neglect or for other reasons, the act requires the court to enter temporary visitation orders with the child's parent if such orders are in the child's best interests. The act sets forth the contents of those orders and requires contact to commence within 72 hours after a hearing unless the court delays the contact. Absent the issuance of an emergency order, a parent is entitled to a hearing prior to an ongoing reduction in, suspension of, or increase in the level of supervision, including a change from in-person visitation to virtual visitation. The act requires the court to enter visitation orders consistent with the act in various phases of the court proceedings.

The act sets forth requirements for an open adoption in Colorado, including provisions for entering into post-adoption contact agreements between a child and the child's birth parent or parents, a birth relative, or an Indian tribe if the child is a member. A post-adoption contact agreement may include provisions for contact, visitation, or the exchange of information. If a child is 12 years of age or older, the court shall not order a post-adoption contact agreement unless the child consents to all terms of the contact agreement. The act includes provisions for the enforcement, modification, and termination of a post-adoption contact agreement.

The act creates a task force on high-quality parenting time (task force) in the state department of human services to examine the current policies and statutes governing parenting time in dependency and neglect cases and to study best practices for the provision and determination of individualized plans for parenting time and to make recommendations

to the general assembly for administrative or statutory changes to support high-quality parenting time. The task force includes a steering committee selected by executive branch agency directors, and members jointly appointed by the steering committee representing the judicial system and the child welfare system, as well as parents, social workers, and other members described in the act. The act includes specific areas of study by the task force. The task force shall submit a written report by October 1, 2022, to the governor, certain committees of the general assembly, the department of human services, and the child welfare training academy. The report must include the task force's findings concerning best practices to improve high-quality parenting services and practices in dependency and neglect cases and recommendations for changes to implement those best practices.

The act appropriates \$13,879 from the general fund to the department of human services for use by the office of information technology services for Colorado TRAILS.

**APPROVED** by Governor July 7, 2021

**PORTIONS EFFECTIVE** July 7, 2021  
**PORTIONS EFFECTIVE** September 1, 2021

**H.B. 21-1151** Foster care - certification - Indian tribe foster homes. Current law allows only a county department of human or social services or a child placement agency to certify foster homes. The act updates statute to allow for a federally recognized Indian tribe pursuant to applicable federal law to certify its own foster homes.

**APPROVED** by Governor May 15, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1220** Colorado child support commission - recommendations - establishment, calculation, and enforcement of child support orders. The act enacts the recommendations of the Colorado child support commission concerning the establishment, calculation, and enforcement of child support, including:

- Technical amendments to clarify changes made to the child support guidelines pursuant to House Bill 19-1215 relating to a missing component of the schedule of basic child support obligations and clarifications relating to calculation of support;
- Defines the terms "child" and "parent" for purposes of commencing actions concerning the allocation of parental responsibilities and clarifies that the court shall determine legal parentage and join all necessary parties to the action;
- Reduces the interest rate on unpaid child support;
- Eliminates outdated provisions of the income assignment statute and brings the statute in compliance with federal law;
- Clarifies notice requirements for income assignments and requires an employer to report and withhold from lump sum payments;

- Clarifies that both the dependency and neglect court and the paternity and child support court have concurrent jurisdiction to address issues of parentage;
- Removes a limitation on the amount of the increase for orders increasing support filed by the child support enforcement agency against an obligor for whom income information is not available;
- Requires life insurance settlements to be reported to the child support enforcement agency commencing January 1, 2022; and
- Adds contract employee to the state directory of new hires for child support enforcement purposes.

**APPROVED** by Governor June 7, 2021

**PORTIONS EFFECTIVE** July 1, 2021  
**PORTIONS EFFECTIVE** January 1, 2022

**H.B. 21-1228** Courts - domestic violence training requirements - appropriation. The act increases and clarifies domestic violence training requirements (training) for court personnel (personnel) who are regularly involved in cases related to domestic matters, including child and family investigators, parenting responsibility evaluators, and legal representatives of children.

Training for all personnel must include both an initial training requirement as well as an ongoing annual continuing education requirement as follows:

- Six initial hours of training on domestic violence, including coercive control, and its traumatic effects on children, adults, and families;
- Six initial hours of training on child abuse and child sexual abuse and its traumatic effects; and
- Four subsequent hours of training every two years on domestic violence, child abuse, and child sexual abuse and the traumatic effects on children, adults, and families.

For the 2021-22 state fiscal year, the act appropriates \$86,680 to the judicial department from the general fund for general courts administration and \$6,200 for capital outlay.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** June 22, 2021

**H.B. 21-1248** Colorado Child Abuse Prevention Trust Fund Act - updates to board - repeal - appropriation. The act updates various provisions of the "Colorado Children's Trust Fund Act", including renaming it the "Colorado Child Abuse Prevention Trust Fund Act" (trust fund act). Changes include:

- Expanding the membership of the Colorado child abuse prevention board (board) from the current 9 members to 17 members;
- Expanding the powers and duties of the board to include advising and making



recommendations to the governor, state agencies, and other entities regarding child maltreatment prevention; developing strategies to decrease the incidences of child maltreatment and other adverse childhood experiences; and implementing and monitoring the ongoing development of local child maltreatment prevention plans throughout the state; and

- Extending the repeal of the trust fund act from 2022 to 2027.

For the 2021-22 state fiscal year, the act appropriates \$890 to the legislative department for use by the general assembly. This appropriation is from the general fund. To implement this act, the general assembly may use this appropriation for legislator per diem.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1272** Office of the child protection ombudsman - testimony and subpoenas - access to information. The act exempts an employee or person acting on behalf of the office of the child protection ombudsman (ombudsman) from testifying in a civil or criminal proceeding in which the ombudsman is not a legal party. The act prohibits information, documents, and reports requested and reviewed by the ombudsman from being subpoenaed in a civil or criminal proceeding in which the ombudsman is not a legal party.

The act authorizes the ombudsman to receive information, records, or documents related to an incident of egregious abuse or neglect, near fatality, or fatality of a child during the course of an investigation of a complaint. The department of public health and environment's child fatality prevention review team shall provide the ombudsman the nonidentifying case review findings and recommendations related to an investigation of a complaint. The department of human services' child fatality review team shall provide the ombudsman the final confidential, case-specific review report related to an investigation of a complaint. If electronic copies are not available, the ombudsman shall access, review, and receive copies of documents without cost to the ombudsman.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**H.B. 21-1287** Domestic matters - marriage and civil union licenses - remote procedures. The act authorizes, subject to limitations, a county clerk and recorder to permit the parties to a proposed marriage or civil union to satisfy the requirement to appear before the county clerk and recorder by interactive audiovisual communication technology or online functionality for the purpose of satisfying certain requirements for a marriage license or civil union license.

A county clerk and recorder who permits the parties to a proposed marriage or civil union to satisfy certain requirements without appearing in person and staff members who

carry out duties on behalf of the county clerk and recorder shall complete training developed by the human trafficking council concerning human trafficking in Colorado.

The act repeals the option of using these procedures effective December 31, 2023.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**H.B. 21-1313** Office of the child protection ombudsman - investigations - state-licensed residential child care facilities - unaccompanied immigrant children - appropriation. Under current law, the office of the child protection ombudsman (ombudsman) has a duty to receive complaints made by or on behalf of a child relating to the child protection system in order to investigate and seek resolution of the complaint. The act extends the scope of the ombudsman's duties to self-initiate impartial and independent investigations and ongoing reviews of the safety and well-being of unaccompanied immigrant children who live in a state-licensed residential child care facility (facility) and who are in the custody of the office of refugee resettlement of the federal department of health and human services. The ombudsman may seek resolution of such investigations and ongoing reviews by referring an investigation and ongoing review to the state department of human services (department) or the appropriate agency or entity and making a recommendation for action relating to the investigation and ongoing review of the facility. The ombudsman may request, review, and receive copies of information, records, or documents that the ombudsman deems necessary to conduct a thorough and independent investigation and ongoing review of the facility. The ombudsman shall report the results of the investigation and ongoing review in the ombudsman's annual report.

The act requires the facility to notify the ombudsman and the department within 3 days after the arrival of an unaccompanied immigrant child.

The act permits the department and the ombudsman to coordinate site visits to investigate and review a facility. The department and the ombudsman may share final reports based on their site visits.

For the 2021-22 state fiscal year, \$90,600 is appropriated from the general fund to the judicial department and provides 0.9 FTE for use by the office of the child protection ombudsman to implement the act.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

## CONSUMER AND COMMERCIAL TRANSACTIONS

**S.B. 21-35** Third-party food delivery services - operating without a retail food establishment's consent - prohibition - penalties. The act prohibits a third-party food delivery service from taking and arranging for the delivery or pickup of an order from a retail food establishment, other than grocery and convenience stores, without the retail food establishment's consent. A retail food establishment may bring an action against a third-party food delivery service that violates the act for damages, a civil penalty not to exceed \$1,000 per violation, and injunctive relief, and the prevailing party in such action is entitled to reasonable attorney fees.

**APPROVED** by Governor June 4, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-57** Student loans - regulation of private lenders, creditors, and collection agencies - rights of cosigners - discharge due to disability - documentation of claim against borrower or cosigner - prohibition of auto-defaults - penalties. The act expands the existing "Colorado Student Loan Servicers Act", which applies only to persons who service student loans, by adding a new part 2 covering private lenders, creditors, and collection agencies (private education lenders) in connection with those student education loans that are not made, insured, or guaranteed under federal law and that are used for postsecondary education. The act:

- Requires private education lenders to register with an assistant attorney general;
- Requires private education lenders to grant a release to cosigners if certain conditions are met, including 12 months of consecutive, on-time payments, and to ensure that cosigners have access to all documentation and records related to the loan they have cosigned;
- Expands disability discharge requirements so that a borrower or cosigner may be released from repayment obligations if permanently disabled;
- Prohibits "robo-signing" of documents used in collection lawsuits and requires specific evidence of loan origination and chain of ownership of the debt before a loan creditor or collection agency may commence legal proceedings;
- Prohibits auto-defaults, in which a loan is declared immediately due and payable upon the death or bankruptcy of a cosigner even when there has been no default in payments; and
- Provides legal recourse for borrowers who are harmed by predatory acts and practices of a private education lender. A violation of the new part 2 is defined as a deceptive trade practice under the "Colorado Consumer Protection Act".

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** June 29, 2021

**S.B. 21-91** Sales or lease transactions - credit or charge card surcharge - maximum surcharge amount - notice required - violations. Under current law, a seller, lessor, or company issuing a credit or charge card is prohibited from imposing a surcharge against a person who elects to pay for a sales or lease transaction by using a credit or charge card. The act:

- Repeals the prohibition; and
- Limits the maximum surcharge amount per transaction to 2% of the total cost to the buyer or lessee for the sales or lease transaction or the merchant discount fee, which is defined as the actual fee that a seller or lessor (merchant) pays its processor or service provider to process the transaction.

A merchant is required to display notice regarding the surcharge on the merchant's premises or, for online purchases, before an online customer's completion of the sales or lease transaction.

The act clarifies that a merchant is prohibited from applying the surcharge to cash or check payments, debit card payments, or payments made by redemption of a gift card.

If a merchant imposes a surcharge in violation of the act, the merchant is subject to liability as a creditor under the "Uniform Consumer Credit Code".

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-190** Personal data - privacy rights - obligations of controllers and processors - exceptions - deceptive trade practices - enforcement by attorney general and district attorneys. The act creates personal data privacy rights and:

- Applies to legal entities that conduct business or produce commercial products or services that are intentionally targeted to Colorado residents and that either:
  - Control or process personal data of at least 100,000 consumers per calendar year; or
  - Derive revenue from the sale of personal data and control or process the personal data of at least 25,000 consumers; and
- Does not apply to certain specified entities including state and local governments and state institutions of higher education, personal data governed by listed state and federal laws, listed activities, and employment records.

The act defines a "controller" as a person that, alone or jointly with others, determines the purposes and means of processing personal data. A "processor" means a person that processes personal data on behalf of a controller. Consumers have the right to opt out of a controller's processing of their personal data; access, correct, or delete the data; or obtain from a controller a portable copy of the data.

The act:

- Specifies how controllers must fulfill duties regarding consumers' assertion of their rights, transparency, purpose specification, data minimization, avoiding secondary use, care, avoiding unlawful discrimination, and sensitive data;
- Requires controllers to conduct a data protection assessment for each of their processing activities involving personal data that present a heightened risk of harm to consumers, such as processing for purposes of targeted advertising, profiling, selling personal data, or processing sensitive data; and
- Specifies that a violation of its requirements is a deceptive trade practice for purposes of enforcement, but the act may be enforced only by the attorney general or district attorneys.

Local governments are preempted from adopting laws that govern the processing of personal data by controllers or processors. The attorney general may promulgate rules to administer the act and is required to adopt rules detailing technical specifications for a universal opt-out mechanism that controllers must use.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 1, 2023

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-261** Electric utilities - renewable energy standard - distributed generation of electricity - incentives for new and expanded installations - rules to encourage on-site and off-site renewable energy generation and storage - appropriation. Section 1 of the act declares that customer-sited renewable energy generation facilities (distributed generation) such as rooftop solar can make important contributions toward meeting Colorado's declared goal of reducing greenhouse gas emissions while providing a reliable, adaptable supply of electricity for homes, businesses, and the rapidly increasing numbers of electric vehicles, and that existing limits on customer-sited renewable energy generation facilities unnecessarily restrict this potential.

Sections 3 and 5 remove most of the existing limitations on the size of distributed generation facilities, which currently cannot exceed 120% of a customer's historical annual usage, to qualify for renewable energy credits. Section 3 also expands an existing exemption from regulation as a public utility to include persons who sell excess power from distributed generation located anywhere on their property or on property owned or leased by others in a master meter operation, e.g., an apartment building or mobile home park. Section 4 grants master meter operators (MMOs) that sell power from distributed generation a limited exemption from the general requirement not to charge their end users any amount above what they are billed for electricity supplied by the serving electric utility. MMOs may retain refunds, rebates, rate reductions, net metering credits, and similar reductions offered by the serving utility in its net metering program. The public utilities commission (PUC) is directed to adopt rules encouraging landlords and tenants in multi-unit buildings to share in the costs

and benefits of installing new distributed generation facilities.

Section 5 requires a qualifying retail utility to allow, and to adopt standards for the approval of, customer-owned meter collar adapters in residential installations. The PUC retains authority to resolve any disputes concerning the standards or their application in specific cases. Section 2 defines a meter collar adapter as a device installed between the electric meter and the meter socket box that allows the customer to interconnect power from on-site sources.

Section 5 also:

- Replaces the term "standard rebate offer" with "net metering service" where appropriate, to more accurately reflect current practice;
- Requires qualifying retail utilities, under their net metering service, to purchase energy produced from any renewable energy resources rather than exclusively solar energy resources;
- Doubles the size of eligible on-site renewable energy installations from 500 kilowatts to one megawatt;
- Limits the size of eligible off-site renewable energy installations to 500 kilowatts for a single-meter installation or 300 kilowatts per meter for a multi-meter installation;
- Narrows the requirements for small hydroelectric facilities that qualify as renewable energy resources to exclude those that require the construction of new dams or reservoirs;
- Adds renewable energy storage as an eligible energy resource under the renewable energy standard and defines "renewable energy storage" as a facility that stores energy that is derived only from renewable energy resources;
- Allows a customer to carry forward monthly bill credits from distributed generation indefinitely, at any service address within a qualifying retail utility's service territory, unless the customer chooses to be reimbursed annually or to donate the excess to a low-income energy assistance program; and
- Directs the PUC to adopt rules to accommodate the aggregation and interconnection of retail distributed generation, including the pooling of renewable energy resources under a master meter or similar arrangement and the allocation of credits among customers on different rate schedules.

Section 6 appropriates \$91,488 to the department of regulatory agencies for use by the PUC to implement the act.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**H.B. 21-1048** Retail establishments - requirement to accept cash - exceptions. The act requires retail establishments that offer goods or services to accept United States currency (cash) to purchase the goods or services, but does not apply to:

- Establishments that do not have an individual accepting payment in person;
- Establishments that provide a device to convert cash into a prepaid card with no fee and a minimum balance of no more than one dollar;
- A transaction in which a security deposit is placed on a credit card or in which a credit card number is provided to cover unforeseen damages or expenses; and
- A bank or credit union.

A violation is a class 2 petty offense punishable by a fine of up to \$250. The act applies to offenses committed on or after the effective date of this act.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1134** Credit reporting - assistance to consumers in improving credit scores - rent reporting for credit pilot program - qualifications and conditions - report - appropriation. The act creates the rent reporting for credit pilot program (pilot program) and directs the Colorado housing and finance authority (authority) to contract with a third party (contractor) to administer the pilot program in accordance with rules promulgated by the authority.

The contractor shall recruit no more than 10 landlords to participate in the pilot program and, to the extent practicable, shall attempt to include a total of at least 100 participant tenants, with an emphasis on selecting participant tenants from populations that are under-served and under-represented in home ownership. To the extent practicable, the contractor shall recruit participant landlords who offer:

- A variety of types of dwelling units for rent, including dwelling units of various sizes;
- Dwelling units for rent that are located in diverse areas of the state; and
- At least 5 dwelling units for rent.

In order to become a participant landlord, a landlord must agree in writing to certain terms. A tenant may participate in the pilot program only if the tenant elects to participate and completes a financial education course.

On or before June 1, 2024, the authority, in consultation with the contractor, shall submit to the governor and the general assembly a report concerning the pilot program.

The act requires the state treasurer to issue a warrant in the amount of \$205,000 from the treasury department to the authority for the implementation of the program and, accordingly, for the 2021-22 fiscal year, the act appropriates \$205,000 from the general fund to the treasury department for this purpose.

The pilot program is repealed, effective September 1, 2024.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** June 29, 2021

**H.B. 21-1239** Fair trade and restraint of trade - Colorado consumer protection act - protections for consumers in the execution and enforcement of dating service contracts and automatic renewal contracts. The act states that, in addition to any other right to revoke an offer, a buyer has the right to cancel a dating service contract until midnight of the third business day after the day on which the buyer signs the contract.

A dating service contract must be set forth in writing, which, in the case of an online dating service contract, may be an electronic writing made available for viewing online. Each dating service contract must contain on its face, in close proximity to the space reserved for the signature of the buyer, a conspicuous statement concerning the buyer's right to cancel the contract.

A dating service contract may not require payments or financing by the buyer over a period exceeding 2 years after the date the contract is entered into, nor may the term of any such contract be measured by the life of the buyer.

Each dating service contract must contain language providing that:

- If by reason of death or disability the buyer is unable to receive all services for which the buyer has contracted, the buyer and the buyer's estate may elect to be relieved of the obligation to make payments for services other than those received before death or the onset of disability, so long as the buyer or the buyer's estate provides written verification of the death or disability to the dating service;
- If the buyer has prepaid any amount for services, so much of the amount prepaid that is allocable to services that the buyer has not received shall be promptly refunded to the buyer or the buyer's representative; and
- If the physician verifying the buyer's disability determines that the duration of the disability will be less than 6 months, the dating service may extend the term of the contract for a period of 6 months at no additional charge to the buyer in lieu of cancellation.

If a dating service provides services within a limited geographical area, and a buyer relocates the buyer's primary residence more than 50 miles from the dating service office and is unable to transfer the contract to a comparable facility, the buyer may elect to be relieved of the obligation to make payment for services other than those received prior to the relocation, and if the buyer has prepaid any amount for services, so much of the amount prepaid that is allocable to services that the buyer has not received shall be promptly refunded to the buyer.

An online dating service shall provide notice to all of its members in this state who



the online dating service knows have previously received and responded to an on-site message from a banned member. The notice must include certain information concerning the banned member and how to avoid online fraud.

A person that offers an automatic renewal contract to a consumer in this state must:

- Present the terms in a clear and conspicuous manner;
- Ensure that any online link that is presented as part of an offer of an automatic renewal contract and directs a consumer to detailed information about the automatic renewal contract is available before a consumer elects to purchase any good or service subject to the automatic renewal contract, appears directly adjacent to any online link used by the consumer to purchase any good or service subject to the automatic renewal contract, and is labeled with, or is directly adjacent to, a clear and conspicuous disclosure that states that by purchasing the good or service, the consumer agrees to enroll in an automatic renewal contract;
- Provide the consumer a written acknowledgment that includes the contract terms, the cancellation policy, and information regarding how to cancel; and
- Provide a simple, cost-effective, timely, and easy-to-use mechanism for canceling the contract or, if applicable, a trial-period offer.

A person that sells a good or service to a consumer pursuant to an automatic renewal contract must notify the consumer that the automatic renewal contract will automatically renew unless the consumer cancels the contract. A notice must be provided at least 25 but not more than 40 days before the first automatic renewal and at least 25 but not more than 40 days before each subsequent automatic renewal.

The act exempts certain persons from the new provisions concerning automatic renewal contracts.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** January 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1282** Mortgage servicers - regulation by attorney general - appropriation. The act subjects mortgage servicers to regulation by the assistant attorney general designated by the attorney general as the administrator of the "Uniform Consumer Credit Code". A "mortgage servicer" is a person that is responsible for servicing a Colorado residential mortgage loan. Regulation of mortgage services includes the requirements of notification, record keeping, payment of fees, compliance with applicable federal laws, reporting, examinations, inspections, and enforcement. A violation of the requirements is subject to enforcement by the administrator, which may include an order requiring the payment of refunds to injured consumers, penalties, costs, and attorney fees.

\$51,783 is appropriated from the uniform consumer credit code cash fund to the department of law to implement the act and is based on an assumption that the department will require 0.5 FTE to implement the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** January 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1300** Health-care provider liens - required disclosures - limitations on amounts and enforcement of liens - assignment - admissibility of information - recording of liens. The act establishes requirements for the creation and assignment of a health-care provider lien for a person injured in an accident. A health-care provider lien is a lien related to charges for health care provided to a person injured by the negligence or wrongful act of another person, which is asserted against money the injured person may receive from a personal injury claim or uninsured motorist claim.

A health-care provider or the health-care provider's assignee creating a lien must advise the injured person of their options for payment, including the use of benefits from an insurance plan. In addition, the provider or assignee must provide additional disclosures about the lien, including how the health-care provider's assignee is compensated and of any common ownership interests among the lien holder and the injured person's health-care providers or legal counsel. The injured person must also be advised that, except in the case of fraud or misrepresentation:

- If the injured person does not receive a judgment, settlement, or payment on the injured person's claim, the injured person is not liable for any amount of the lien;
- If the injured person receives a net judgment, settlement, or payment that is less than the amount of the lien, the injured person is not liable for any amount over the amount of the net judgment, settlement, or payment; and
- The lien holder cannot assign the lien to a collection agency.

The act requires that a health-care provider lien cannot include additional finance charges or interest and must be limited to the total of the usual and customary charges billed by health-care providers. In the absence of fraud or misrepresentation:

- If the injured person does not receive a judgment, settlement, or payment on the injured person's claim, the injured person is not liable for any amount of the lien;
- If the injured person receives a net judgment, settlement, or payment that is less than the amount of the lien, the injured person is not liable for any amount over the amount of the net judgment, settlement, or payment; and
- The lien holder cannot assign the lien to a collection agency.

A health-care provider or its assignee must comply with the provisions of the act to have a valid health-care provider lien. If a court determines that a health-care provider or its assignee knowingly failed to comply, the injured person may seek a ruling from the court concerning which portions of the lien, if any, the health-care provider or assignee cannot recover.

Except in an action under the "Uniform Consumer Credit Code", when a lien is assigned, the amount paid for the assignment, the fact of the assignment, and the terms of the assignment are not admissible as evidence in the underlying personal injury action.

The holder of a health-care provider lien may file a record of the lien in accordance with the "Colorado Statutory Lien Registration Act". If more than one health-care provider lien has been asserted against an injured person's net judgment, settlement, or payment for the same accident or incident, a lien for which a record has been filed has priority for payment out of the injured person's net judgment, settlement, or payment over a lien for which no record is filed. If records are filed for more than one health-care provider lien for the same accident or incident, priority is determined by the date on which the record was filed, with the lien with the earliest date of filing having first priority. Filing a record is optional and does not waive any other provisions of the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## **CORPORATIONS AND ASSOCIATIONS**

**H.B. 21-1124** Electronic transactions - notice - remote meeting participation. The act facilitates business entities' ability to conduct business activities electronically by:

- Defining terms, including address, delivery, document, e-mail, electronic transmission, notice, and sign, that relate to electronic communications;
- Specifying how notice may be given by electronic transmission; and
- Establishing requirements for remote participation in shareholders' and directors' meetings.

**APPROVED** by Governor April 19, 2021

**EFFECTIVE** April 19, 2021

## CORRECTIONS

**S.B. 21-138** Brain injury pilot program - criminal justice system - screening and support - task force - appropriation. Subject to available appropriations, the act requires the department of corrections to create a brain injury pilot program to evaluate outcomes for offenders with a brain injury who received screening and support while in the criminal justice system.

The act creates in the department of human services the brain injury support in the criminal justice system task force to develop a plan to integrate into the criminal justice system a model to identify and support individuals with a brain injury who are in the criminal justice system.

The act appropriates \$144,409 and an additional 0.9 FTE to the department of corrections.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**S.B. 21-146** Prison population management - special needs parole - parole plans - health insurance upon discharge - unauthorized absence - YOS training - CSP II use during declared emergency - appropriations. The act changes the eligibility criteria for inmates who are eligible for special needs parole. The act allows an inmate to request that the department of corrections (DOC) determine whether the inmate is eligible for special needs parole. The act requires the DOC, in consultation with the parole board, to develop policies and procedures related to special needs parole. The act allows the inmate to include a statement in the referral packet for special needs parole and an opportunity to provide any additional relevant information in the referral packet. The act requires the parole board to consider the age of the inmate and the DOC's ability to provide adequate medical and behavioral health treatment to the inmate in granting or denying special needs parole. The parole board cannot deny special needs parole based solely on the lack of a recommended parole plan.

The act requires the DOC to:

- Develop a recommended parole plan for every inmate prior to release from prison;
- Develop policies and procedures related to prerelease planning; and
- Include in its monthly population report information related to delayed parole decisions.

The act prohibits the parole board from denying parole based solely on the lack of a recommended parole plan.

The act requires the office of the state public defender to provide liaisons to the DOC and the parole board to assist in criminal-related legal matters that would impact successful reentry. The act requires the DOC or a member of the parole board to suspend a parole

hearing if they believe the offender is incompetent to proceed or has a mental health disorder and notify the public defender parole liaison of the situation. In the case of incompetency, the liaison shall file a motion to determine competency with the trial court that imposed the sentence. In the case of a mental health disorder, the liaison shall help the inmate obtain counsel if a civil commitment hearing is warranted.

The act requires the DOC to ensure that any inmate who is 65 years of age or older and is being released from prison is enrolled in medicare or health insurance if the offender would not be covered by another health insurance policy prior to release or upon release, whichever will offer more immediate and comprehensive health-care coverage. The DOC shall pay any insurance premiums and penalties for up to 6 months from the start of coverage. The DOC may provide financial assistance for longer than 6 months if the person is still under the jurisdiction of the DOC and would otherwise be uninsured or underinsured without that financial assistance. The act requires the Colorado commission on the aging to study and make recommendations related to health care for inmates who are 65 years of age or older and being released from prison and provide the report prior to January 1, 2022.

The act makes conforming changes to align with the new offense of unauthorized absence. The act requires the parole board to schedule a parole hearing for an inmate serving a sentence for escape or attempt to escape, the elements of which would now constitute the offense of unauthorized absence.

The act requires all youthful offender system (YOS) staff to be trained in the first 45 days of employment. The act repeals the requirement that district attorneys keep records of all juveniles sentenced to the YOS.

The act requires the DOC to conduct a study with external experts regarding the effectiveness of the YOS and the potential of expanding the system to serve offenders up to age 25 years old.

The act allows the Colorado state penitentiary II to be used to house inmates to facilitate movement of prisoners during a declared disaster emergency that impacts state prison operations.

For fiscal year 2021-22, the general assembly shall appropriate \$1,167,297 to the community-based reentry services cash fund from the savings from this act. For fiscal year 2022-23, the general assembly shall appropriate \$1,481,622 to the community-based reentry services cash fund from the savings from this act.

The act adjusts the long act appropriations to the DOC by decreasing the general fund appropriation to the external capacity subprogram by \$2,815,470 and by decreasing the general fund appropriation by \$314,630 for external medical services. To implement the act, the act appropriates:

- \$2,798,098 to the department of corrections;
- \$30,307 to the department of law;

- \$229,220 to the office of the governor;
- \$157,760 to the judicial department; and
- \$50,000 to the department of human services.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**S.B. 21-153** Offender assistance - state-issued identification program. The act requires the department of corrections (department) to operate a program to assist offenders with acquiring state-issued identification cards and other identification documents necessary for offenders to obtain state-issued identification. The department can enter into agreements with the Colorado department of revenue and federal social security administration as necessary to operate the program.

**APPROVED** by Governor May 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1209** Sentencing young adult offenders - eligibility for specialized program - appropriation. The department of corrections operates a specialized program for offenders who are serving a prison sentence for a felony offense committed while the offender was a juvenile as a result of criminal charges filed by direct file or transfer proceedings. The act would expand program eligibility to adults serving a sentence for a felony that was committed when the person was under 21 years of age. The act requires the court, when it sentences a person under 21 years of age, to make a statement that it is possible the defendant could serve a portion of the sentence in the specialized program.

The act appropriates \$118,976 from the general fund and provides 1.4 FTE to the department of corrections to implement the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1211** Jails - use of restrictive housing - limitations - conditions for use - data collection. Beginning July 1, 2022, the act prohibits a local jail with a bed capacity of over 400 beds from involuntarily placing an individual in restrictive housing if the individual meets any one of the following conditions:

- The individual is diagnosed with a serious mental illness or is exhibiting grossly abnormal and irrational behaviors or breaks with reality or perceptions of reality indicating the presence of a serious mental illness;

- The individual has self-reported a serious mental illness or suicidality, or is exhibiting self-harm, unless a licensed mental health professional or psychiatrist evaluates the individual and finds serious mental illness is not present;
- The individual has a significant auditory or visual impairment that cannot otherwise be accommodated;
- The individual is pregnant or in the postpartum period;
- The individual is significantly neurocognitively impaired by a condition such as dementia or a traumatic brain injury;
- The individual is under 18 years of age; or
- The individual has an intellectual or developmental disability.

The prohibition does not apply if:

- Any indication of psychological distress is present and the jail transferred the individual to a health-care facility to receive treatment and the individual is refused treatment or discharged by the health-care facility; and
- The individual poses an imminent danger to themselves or others; and
- No other less restrictive option is available and the individual is not responding to ongoing de-escalation techniques.

When an individual is placed in restrictive housing under the above circumstances, the local jail shall:

- Document the facts and circumstances that led to placing the individual into restrictive housing;
- Notify its medical or mental health professionals in writing within 12 hours of placing an individual in restrictive housing;
- Notify the individual's appointed or retained legal representative, designated emergency contact, or legal guardian within 12 hours of the individual's involuntary placement and removal in restrictive housing;
- At least twice per hour, check on an individual involuntarily placed in restrictive housing. If the individual is violent, demonstrating unusual or bizarre behavior, or has indicated suicidality or self-harm, the local jail staff shall monitor the individual every fifteen minutes or more frequently, unless a medical or mental health professional recommends more frequent or less frequent checks.
- Every 24 hours, assess the individual involuntarily placed in restrictive housing by a medical or mental health professional and have a mental health professional assess the individual every 48 hours for ongoing placement in restrictive housing;
- Provide the individual a clear explanation of the reason the individual has been placed in restrictive housing, the monitoring procedures that the local jail will employ to check the individual, the date and the time, when the individual's next court date is, and the behavioral criteria the individual must demonstrate to be released from restrictive housing;



- Not hold the individual in restrictive housing for more than 15 days in a 30-day time period without a written court order; and
- Supply the individual with basic hygiene necessities; exchanges of clothing, bedding, and linen; access to writing letters or receiving letters; opportunities for visitation; access to legal materials; access to reading materials; a minimum of one hour of outdoor exercise 5 days a week outside of the cell; telephone privileges; and access to programs and services.

The act requires medical or mental health professional to assess any individual placed in restrictive housing within 24 hours of placement.

The act requires a local jail to use an adequate screening tool to complete a health screening of each inmate when the inmate arrives at the jail.

Beginning January 1, 2022, the act requires each local jail to keep and maintain a record of certain data regarding each individual placed in restrictive housing and certain data regarding each individual with a mental illness or substance use disorder.

**APPROVED** by Governor June 24, 2021

**PORTIONS EFFECTIVE** June 24, 2021  
**PORTIONS EFFECTIVE** January 1, 2022  
**PORTIONS EFFECTIVE** July 1, 2022

## COURTS

**S.B. 21-2** Debt collection - temporary limitation on garnishment, execution levy, and attachment in cases of financial hardship - temporary exemption from execution - extension of time. The act extends the time in which debtors experiencing financial hardship due to the COVID-19 emergency may have extraordinary debt collection actions suspended. Existing law required a judgment creditor (creditor) to provide a notice to a judgment debtor (debtor) before instituting an extraordinary debt collection action, which includes an action in the nature of a garnishment, attachment, levy, or execution to collect or enforce a judgment. The debtor may suspend the collection action by notifying the creditor that the debtor is experiencing financial hardship due to COVID-19. The obligation to provide notice and the suspension of the collection action were effective through February 1, 2021. The act extends the effective period for the notice and the suspension to June 1, 2021. If a collection action has already been suspended by the debtor, the suspension is now effective through June 1, 2021.

In addition, under existing law, up to \$4,000 cumulative in a depository account or accounts in a debtor's name is exempt from levy and sale under a writ of attachment or execution through February 1, 2021. The act extends that date to June 1, 2021.

**APPROVED** by Governor January 21, 2021

**EFFECTIVE** January 21, 2021

**S.B. 21-73** Civil claims based on sexual misconduct - statute of limitations. Under existing law, the statute of limitations to bring a civil claim based on sexual assault or a sexual offense against a child is 6 years, but the statute is tolled when the victim is a person under disability or is in a special relationship with the perpetrator of the assault. The act defines sexual misconduct and removes the limitation on bringing a civil claim based on sexual misconduct, including derivative claims and claims brought against a person or entity that is not the perpetrator of the sexual misconduct. The statutory period to commence a civil action described in the act applies to a cause of action that accrues on or after January 1, 2022, or a cause of action accruing prior to January 1, 2022, so long as the applicable statute of limitations has not yet run as of January 1, 2022.

The act removes the provision that a plaintiff who is a victim of a series of sexual assaults does not need to establish which act in the series caused the plaintiff's injuries.

The act repeals the limited waiver of the doctor- or psychologist-patient privilege for claims brought by a person under disability.

Under existing law, a plaintiff who brings a civil action alleging sexual misconduct 15 years or more after the plaintiff turns 18 is limited to recovering only certain damages. The act repeals this limitation.

Under existing law, a victim who is a person under disability or is in a special relationship with the perpetrator of the assault may not bring an action against a defendant

who is deceased or incapacitated. The act eliminates this restriction.

Under existing law, a claim for negligence in the practice of medicine that is based on a sexual assault is exempt from the statute of limitations for claims involving sexual assault and instead is subject to the same limitation as any other claim for negligence in the practice of medicine. The act removes this exemption.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** January 1, 2022.

**S.B. 21-88** Cause of action - sexual misconduct against minors - retroactive application - limitation on action - sovereign immunity waived - appropriations. The act creates a statutory cause of action for a victim of sexual misconduct that occurred when the victim was a minor. The victim may bring a civil claim against the actor who committed the sexual misconduct and against an organization that operates or manages a youth-related activity or program (youth program) if the organization knew or should have known of a risk of sexual misconduct against minors and the sexual misconduct occurred while the victim was participating in a youth program managed by the organization. The act waives sovereign immunity for the claim so a victim may bring a claim against a public employee or public entity that operates a youth program, including an educational entity operating an educational program or a district preschool program.

The cause of action is available to a victim of sexual misconduct that occurred on or after January 1, 1960. A person who was the victim of sexual misconduct that occurred between January 1, 1960, and January 1, 2022, must commence an action before January 1, 2025. There is no limitation on the time to bring a claim for sexual misconduct that occurs on or after January 1, 2022. A person may not, prior to an incident of sexual misconduct, waive the right to bring a civil action; any purported pre-incident waiver is void as against public policy.

A court or jury shall not allocate any damages awarded in the civil action in any proportion against the victim of the sexual misconduct. Any pre-judgment interest on the claim does not begin to accrue until the claim is filed.

The maximum amount that may be recovered for a claim against a public employee or public entity is the limitation on damages set forth in the "Colorado Governmental Immunity Act". For all other claims, the maximum amount recoverable is \$500,000; except that if the court finds by clear and convincing evidence that the defendant failed to take remedial action against a person that the defendant knew or should have known posed a risk of sexual misconduct against a minor and the court finds that the application of the limitation would be unfair, the court may increase the award to up a maximum of \$1,000,000.

The act appropriates \$1,198,355 from the general fund to the department of personnel for risk management and reappropriates \$1,137,838 of that appropriation and provides 5.9 FTE to the department of law to provide legal services.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** January 1, 2022

**S.B. 21-143** Alternative dispute resolution - collaborative law. The act enacts the "Uniform Collaborative Law Act". The act authorizes a collaborative law process for proceedings arising under family or domestic relations law whereby disputes are resolved without intervention by a court or other tribunal. The act specifies the requirements for a collaborative law participation agreement, including that both sides be represented and advised by collaborative law lawyers, and that communications made during the collaborative law process are confidential and may not be used in later proceedings except in specified situations.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** January 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-267** Public guardianship - office of public guardianship - extension. In 2019, the general assembly extended the office of public guardianship (office) until 2023. The act corrects dates that should have been extended. The repeal of the article creating the office and the repeal of the office's cash fund are extended to June 30, 2024, to allow additional time for the office to wind up its affairs if it is not further extended.

The general assembly increased certain court fees to fund the office. If it is not further extended, the office is required to notify the joint budget committee that those fees can be reduced.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**H.B. 21-1121** Residential leases - forcible entry and detainer - eviction actions - rent increases. The act updates language that must be included on a court summons issued to a defendant-tenant in an eviction action explaining the consequences for failing to answer the complaint, the content of an answer, and the fees and deposits related to filing an answer.

The act prohibits a county sheriff from executing a writ of restitution, which directs the sheriff to assist the landlord in removing the tenant, until at least 10 days after a landlord wins judgment in an eviction action.

The act prohibits residential landlords from increasing rent more than one time in a 12-month period of tenancy. For a residential tenancy of any duration in which there is no written agreement, the act requires a landlord to give a tenant 60 days' notice prior to increasing rent. The act prohibits a landlord from terminating a residential tenancy in which there is no written agreement with the primary purpose of increasing a tenant's rent without

providing 60 days' notice.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**H.B. 21-1136** Judicial division - assignment of judicial duties - retired members of the judicial division. Under current law, a retired member of the judicial division may perform assigned judicial duties without pay for not less than 60 or 90 days each year. Such a member of the judicial division will receive a benefit increase equal to not less than 20% or more than 30% of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

The act changes the amount of time that a retired member of the judicial division may perform assigned judicial duties without pay and the amount of a benefit increase such a judge will receive. The act specifies that a retired member of the judicial division may perform assigned judicial duties without pay for 10, 20, 30, 60, or 90 days each year and will receive a benefit increase equal to 3.3%, 6.7%, 10%, 20%, or 30% respectively of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

Additionally, under current law, within 5 years after retirement, a retired member of the judicial division who did not enter into an agreement prior to retirement to perform assigned judicial duties without pay during retirement may enter into such a written agreement within 30 days prior to each anniversary date of retirement. The act removes this requirement.

The act also states that the following retirees from the judicial division are not eligible to perform the assigned judicial duties described above:

- Retirees who received "a does not meet performance standards" or "do not retain" recommendation in their last judicial performance evaluation before retirement, either published or unpublished;
- Retirees who received a disciplinary disposition from the commission on judicial discipline or private admonishment, private reprimand, private censure, public reprimand, public censure, suspension, or removal; and
- Retirees who, during or after their term in office, received private or public discipline from the office of the presiding disciplinary judge.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**H.B. 21-1188** Civil liability - direct negligence - respondeat superior. The act allows a plaintiff to assert direct negligence claims against an employer or principal arising out of the same incident in which the employer or principal admits liability for the tortious actions of

its employee or agent.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1255** Protection order - procedures for firearm relinquishment - appropriation. The act modifies the required procedures relating to a person's firearms or ammunition following the issuance of a protection order that includes an act of domestic violence when it involved the threat, use, or attempted use of physical force.

The act requires a person to complete an affidavit, which must be filed in the court record within 7 business days after a protection order is issued against the person, stating the number of firearms, the make and model of each firearm, any reason the person is still in immediate possession or control of such firearm, and the location of all firearms in the person's immediate possession or control. If the person does not possess a firearm at the time the order is issued, the person shall indicate such nonpossession in the affidavit.

The act requires the court to conduct a compliance hearing not less than 8 but not more than 12 business days after the issuance of a protection order to ensure the person has completed the affidavit. For criminal cases, the court may consider the issue in other proceedings before the court and the hearing is considered a court action involving a bond reduction or modification. Information compelled or any information directly or indirectly derived from testimony, the affidavit, or other information shall not be used against a defendant in any criminal case, except for prosecution of perjury.

The act excludes legal holidays and weekends from the current time frame a person has to relinquish a firearm. The act allows a court to grant a person an additional 24 hours to relinquish a firearm if the person is unable to comply with the required time frame of relinquishment.

The act requires a federally licensed firearms dealer, law enforcement agency, or private party to issue a signed declaration memorializing the sale or transfer of the firearm.

The act allows a law enforcement agency to enter into an agreement with any other law enforcement agency or storage facility for the storage of transferred firearms or ammunition. The act requires a law enforcement agency that elects to store a firearm or ammunition to obtain a search warrant to examine or test the firearm or ammunition or facilitate any criminal investigation if the law enforcement agency has probable cause to believe the firearm or ammunition has been used in the commission of a crime, is stolen, or is contraband.

The act prohibits the person from transferring the firearm to a private party living in the same residence as the person at the time of transfer. The act prohibits a private party from

returning a firearm to the person until the private party receives a written statement of the results of the background check conducted by the Colorado bureau of investigation authorizing the return of the firearm to the person.

Current law requires a copy of the written receipt and the written statement of the criminal background check to be filed with the court as proof of relinquishment at the same time the person files the signed affidavit. The act requires the signed declaration to be filed with the court instead of the receipt. Both the signed declaration and written statement are only available for inspection by the court and the parties to the proceeding.

A federally licensed firearms dealer, law enforcement agency, storage facility, or private party that elects to store a firearm is not civilly liable for any resulting damages to the firearm, as long as such damage did not result from the willful and wrongful act or gross negligence of the person or agency storing the firearm.

The act appropriates \$101,050 to the judicial department to implement the act.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** June 22, 2021

**H.B. 21-1309** Courts - speedy trial - COVID-19 pandemic. Under existing law, a criminal defendant must be brought to trial within 6 months after the date of the entry of a plea of not guilty. However, there are circumstances that exclude a period of time when computing the time within which a defendant must be brought to trial. These exclusions extend the length of time within which the defendant must be brought to trial.

The act permits the court to exclude a period of delay caused by the COVID-19 pandemic, not to exceed 6 months if the defendant is not in custody for the case pending a jury trial or not to exceed 3 months if the defendant is in custody for the case pending a jury trial, if certain considerations are satisfied. The court may grant only one continuance due to a period of delay caused by the COVID-19 pandemic.

The judicial department shall collect, report, and publish data concerning each continuance granted because of the COVID-19 pandemic.

The act requires the court that orders an exclusion of a period of delay caused by the COVID-19 pandemic to reconsider bond for an eligible defendant in custody awaiting trial.

A court shall not grant a continuance based on a delay caused by the COVID-19 pandemic on or after 5:01 p.m. on April 29, 2022.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

## CRIMINAL LAW AND PROCEDURE

**S.B. 21-30** Theft - failure to return rental property - restitution. Upon a conviction for theft by failing to return property within 72 hours after the agreed-upon time of return in any lease or hire agreement, a court is required to consider, as part of any restitution ordered, lost revenue resulting from the defendant's failure to timely return the rental property.

**APPROVED** by Governor May 27, 2021

**EFFECTIVE** May 27, 2021

**S.B. 21-64** Retaliation against an elected official - appropriation. Under current law, there is a crime of retaliation against a judge if an individual makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property as retaliation or retribution against a judge. The act creates a similar crime of retaliation against an elected official if an individual knowingly makes a credible threat as retaliation or retribution against an elected official or the official's family or arising out of the status of the person as an elected official. Retaliation against an elected official is a class 6 felony.

The act makes following appropriations from the general fund to the department of corrections to comply with the 5-year corrections appropriation requirement:

- For fiscal year 2022-23, \$16,279;
- For fiscal year 2023-24, \$18,415;
- For fiscal year 2024-25, \$18,415; and
- For fiscal year 2025-26, \$18,415.

For fiscal year 2021-22, the act appropriates \$109,462 from the capital construction fund to the corrections expansion reserve fund.

**APPROVED** by Governor May 27, 2021

**EFFECTIVE** July 1, 2021

**S.B. 21-78** Firearms - missing firearms report. An individual who owns a firearm must report the loss or theft of that firearm to a law enforcement agency within 5 days after discovering that the firearm was lost or stolen. A first offense for failure to make such a report is a civil infraction punishable by a \$25 fine, and a second or subsequent offense is a misdemeanor punishable by a maximum \$500 fine. The 5-day reporting requirement does not apply to a licensed gun dealer.

Another person who is a member of the owner's family or who resides with the owner may report the lost or stolen firearm. If the other person reports the loss or theft of the firearm, the owner is not required to make a report. A report by another person is not an acknowledgment of firearm ownership.

A person who reports a lost or stolen firearm is immune from criminal prosecution for an offense pursuant to state law related to the storage of firearms.



The act requires a law enforcement agency that receives a report of a lost or stolen firearm to enter information about the lost or stolen firearm into the Colorado bureau of investigation crime information center database.

**APPROVED** by Governor April 19, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-124** Felony murder - change from class 1 felony to class 2 felony - change elements and affirmative defense. Under current law, it is a class 1 felony as it pertains to first degree murder if a person commits or attempts to commit certain specified felonies and the death of a person, other than one of the participants, is caused by anyone during the crime. The act changes the current law by:

- Moving the crime from first degree murder to second degree murder and changing the penalty from a class 1 felony to a class 2 felony that is subject to crime of violence sentencing;
- Requiring the death be caused by a participant; and
- Repealing certain elements of the affirmative defense.

**APPROVED** by Governor April 26, 2021

**EFFECTIVE** September 15, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-174** Peace officer credibility disclosure notifications - peace officer credibility disclosure notification committee - statewide model. The act creates the peace officer credibility disclosure notification committee (committee), which is required to create a statewide model for peace officer credibility disclosure notifications (statewide model) by December 1, 2021. The statewide model must include policies and procedures that law enforcement agencies and district attorneys' offices are required to adopt and implement on or before January 1, 2022.

The statewide model's policies and procedures must include:

- The circumstances that trigger a law enforcement agency to promptly notify a district attorney if a peace officer's credibility is called into question by a sustained finding;
- The circumstances that trigger a law enforcement agency's obligation to notify a district attorney when a peace officer's credibility is called into question by a criminal or administrative investigation;
- A process for district attorneys to follow for receiving credibility disclosure notifications and maintaining a current record of all credibility disclosure

- notifications; and
- A process for district attorneys to timely notify a defense attorney or defendant of credibility disclosure notification records (records) and to remove any records when appropriate and lawful.

The act requires district attorneys to review the statewide model's policies and procedures at least every 4 years to ensure compliance with controlling federal and state case law, as well as the Colorado rules of criminal procedure. The act also requires a district attorney to make available to the public the adopted policies and procedures on or before February 1, 2022.

The act, subject to available appropriations, requires the P.O.S.T. board to create and maintain a database, in a searchable format to be published on its website, containing information related to a peace officer's actions that resulted in a credibility disclosure notification.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-192** Sentencing - youthful offenders - housing - mentor program. Under existing law, offenders sentenced to the youthful offender system are housed and serve their sentences in a facility separate from, and are not brought into daily physical contact with, inmates 25 years of age or older who are sentenced to the department of corrections who have not been sentenced to the youthful offender system. The act adds an exemption to that facility separation that permits youthful offenders to be housed in a youthful offender facility with inmates 25 years of age or older who are participating in a mentoring program; except that the exemption does not apply to inmates who have been convicted of a sex offense.

**APPROVED** by Governor May 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-271** Sentencing reform - misdemeanors, petty offenses, and civil infractions - reclassification - jail time credit standardization - appropriation. The act reforms the sentencing provisions related to misdemeanors and petty offenses. Under current law, there are 3 classifications for misdemeanors and 2 classifications for petty offenses. The act reduces the misdemeanor classifications to 2 and reduces the petty offenses to one classification and adds a new classification of civil infraction. A class 1 misdemeanor is punishable by up to 364 days in jail or a fine of up to \$1,000 or both, and a class 2 misdemeanor is punishable by up to 120 days in jail or a fine of up to \$750 or both. A petty offense is punishable by up to 10 days in jail or a fine of up to \$300 or both. A civil

infraction is punishable by a fine of up to \$100.

The act reclassifies various criminal offenses within the new classification system for misdemeanors, petty offenses, and civil infractions. The act changes the elements of some crimes to align with the new sentencing classifications. The act creates procedural rules for prosecution of the new civil infractions. The act updates the alternate sentencing options for misdemeanors and petty offenses. The act creates standard time credits for jail sentences.

The act appropriates \$95,340 to the department of revenue for use by the division of motor vehicles. \$35,940 of the appropriation is from the general fund and \$59,400 of the appropriation is from the licensing services cash fund.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** March 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-280** Criminal law - bias-motivated crimes. The act specifies that for harassment that is bias-motivated or a bias-motivated crime, the bias motivation only needs to be part of the defendant's motivation in committing the crime.

The act makes the crime of harassment when the harassment is bias-motivated a victim rights act crime, which provides a victim certain statutory rights.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**H.B. 21-1015** Public safety workers - public defenders - privacy protections - personal information on the internet. Under current law, it is unlawful for a person to make available on the internet the personal information of certain law enforcement officials or certain human services workers if the dissemination of the personal information poses an imminent and serious threat to the official's or the worker's safety or to the safety of the official's or the worker's immediate family. The act extends the crime to include the following persons:

- An employee or contractor of the department of corrections who has contact with persons in the custody of the department of corrections;
- A noncertified deputy sheriff or detention officer who has contact with inmates;
- An employee or contractor of a community corrections program who has contact with offenders in the program; and
- Public defenders and alternate defense counsel.

The act redefines "law enforcement official" and includes officials covered under that statutory definition within the broader definition of "protected person". Further, the act repeals the crime specific to law enforcement officials and includes those officials within the

same crime that is now inclusive of all protected persons.

In addition, the act adds all protected persons to the statutory provision that allows protected persons to submit a written request to a state or local government official to remove personal information, as defined in statute, from public records that are available on the internet.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**H.B. 21-1016** Veterans treatment court - accept post-disposition supervision from another jurisdiction. Under current law, a court must inquire at the defendant's first appearance whether the defendant is a veteran. If the jurisdiction does not have a veterans treatment court, the act requires the court to inform a veteran defendant of the possibility of petitioning to transfer the case to a jurisdiction with a veterans treatment court.

The act allows a veteran defendant or defendant who is currently serving in the U.S. armed forces and who is suffering from a diagnosable mental health condition that is related to the veteran's military service to petition the court to transfer the supervision of any post disposition of the case to a jurisdiction with a veterans treatment court if the jurisdiction of trial does not have a veterans treatment court and the district attorney and any victim in a victim's rights case consent to the petition. The petition must include the jurisdiction that the defendant is seeking to have the case transferred to and a description of the services or supports the defendant is seeking to access from the veterans treatment court in that jurisdiction. After receiving a petition, the court must consult with the judge administering the veterans treatment court and the district attorney of the hosting jurisdiction. The court may grant the petition to transfer the supervision of probation in the case if the veterans treatment court and the district attorney in the hosting jurisdiction consent to the transfer and that jurisdiction has the current ability to provide the resources and support necessary to responsibly accept the transfer. If the host jurisdiction files a motion for revocation of the veterans treatment court program probation, the host jurisdiction shall conduct the revocation hearing. If probation is revoked, the host jurisdiction shall refer the matter to the original jurisdiction for resentencing.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1057** Criminal extortion - threatening to report immigration status. Under current law, it is criminal extortion to threaten to report another person's immigration status to law enforcement to induce the threatened person to give the person money or another item of value. The act adds to that version of criminal extortion a prohibition against threatening to report a person's immigration status to law enforcement to induce the threatened person to

perform an act or refrain from performing a lawful act.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** July 1, 2021

**H.B. 21-1064** Sex offender registry - juveniles who have committed sex offenses - appropriation. The act implements various recommendations of the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses, including:

- Specifying that if a juvenile who is moving to Colorado would be otherwise required to register on Colorado's sex offender registry (registry) but the juvenile's duty to register in another state has been terminated by a court order, then the juvenile is not required to register or petition the court for removal from the registry;
- Expanding judicial discretion at the time of sentencing to exempt from registration or from requiring juveniles to register for all first offense registerable juvenile sex crimes if a sex offender management board evaluator recommends exemption and the juvenile is otherwise statutorily eligible;
- Adding language to adult or juvenile provisions that currently reference only crimes defined as "unlawful sexual behavior" to also include convictions and adjudications for nonsexual crimes where there has been, pursuant to statute, a judicial finding of an underlying factual basis involving unlawful sexual behavior;
- Adding a requirement for the court to send notice before the end of each juvenile's sentence concerning a juvenile's duty to register and set a hearing to consider the juvenile's ongoing duty to register;
- Adding language that if a person is required to register due to an adjudication or disposition as a juvenile, the duty to register automatically terminates either when the person reaches 25 years of age or 7 years from the date the juvenile was required to register, whichever occurs later;
- Adding language that if a person whose duty to register has automatically terminated either attempts to register or inquires with local law enforcement as to whether the duty to register has automatically terminated, local law enforcement shall advise the person that the person's duty to register terminated, remove the person from any local law enforcement registry, and notify the Colorado bureau of investigation (CBI) that the person's duty to register has terminated. Local law enforcement or the CBI may charge a fee, not to exceed \$15, to determine whether a person's duty to register has terminated.
- Allowing a person whose duty to register arose from an adjudication or disposition as a juvenile, and whose duty to register automatically terminated when the person reached 25 years of age or 7 years had passed from the date the person was required to register, whichever was later, but the person's name has not already been removed from the sex offender registry, to petition for an order to remove the person's name from the sex offender registry;

- Changing the current law that allows the Colorado bureau of investigation (CBI) to inform a requesting party if a person is on the registry so that the CBI may release information about a juvenile only under certain restrictions;
- Requiring the CBI to collect data on the number of times information is requested and released concerning juveniles on the registry;
- Creating a new unclassified misdemeanor for members of the public who submit a false statement to the CBI for purposes of obtaining juvenile registry information or who use such information in a prohibited manner;
- Updating current law regarding the posting of information on the registry to the internet to specifically exclude juveniles;
- Clarifying that a local law enforcement agency may not release or post on its website information regarding juveniles on the registry;
- Changing current law that requires lifetime registration for an adult who has more than one adjudication as a juvenile so that juvenile adjudications alone may not trigger mandatory lifetime registration; and
- Updating language in the Colorado "Crime Victim Rights Act" to clarify victim rights when a petition or motion is made to terminate sex offender registration.

For the 2021-22 state fiscal year, the act appropriates \$7,200 to the department of public safety for use by the Colorado bureau of investigation. This appropriation is from the general fund. To implement this act, the division may use this appropriation for CCIC program support operating expenses related to the Colorado crime information center.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 1, 2021

**H.B. 21-1069** Sexual exploitation of a child - post-enactment review - appropriation. The act updates certain actions described as sexual exploitation of a child to reflect access and viewing due to evolving technology.

The act makes sexual exploitation of a child an extraordinary risk crime, enhancing the presumptive sentencing range in certain circumstances.

The act creates the sexual exploitation of children surcharge for any person who is convicted of or receives a deferred sentence for sexual exploitation of a child. Ninety-five percent of the surcharge goes to the sexual exploitation of children surcharge fund. The money in the fund will provide funding to the Colorado bureau of investigation (bureau) to develop and acquire, and allow the bureau to help other law enforcement agencies with developing and acquiring, necessary technological and expert resources to investigate and prosecute computer-facilitated crimes of sexual exploitation of a child.

The act requires a post-enactment review of the implementation of the act three years after it becomes law.

The act makes an appropriation of \$1,894 to the judicial department from the general fund.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1090** Marijuana - possession - cultivation - conviction record sealing. The act eliminates the marijuana possession offense for possession of 2 ounces of marijuana or less.

The act raises the limit for illegal possession of marijuana by an underage person from one ounce of marijuana or less to 2 ounces of marijuana or less.

The act requires the court to seal a conviction record, without opportunity for the district attorney to object, for a marijuana possession offense that is otherwise not sealed, if the person files documents with the court that the person has not been convicted of a criminal offense since the final disposition of all criminal proceedings or release from supervision, whichever is later.

The act allows a person who was convicted of a class 3 felony marijuana cultivation offense to petition to have his or her conviction record sealed.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** May 20, 2021

**H.B. 21-1106** Firearms - storage requirement - firearms safe storage education. The act requires that firearms be responsibly and securely stored, as described in the act, when they are not in use in order to prevent access by unsupervised juveniles and other unauthorized users. A person commits unlawful storage of a firearm when the person does not responsibly and securely store a firearm and the person knows, or should know:

- That a juvenile can gain access to the firearm without the permission of the juvenile's parent or guardian; or
- A resident of the premises is ineligible to possess a firearm under state or federal law.

Unlawful storage of a firearm is a class 2 misdemeanor.

The act requires licensed gun dealers to provide with each firearm, at the time of a firearm sale or transfer, a locking device capable of securing the firearm. Transferring a firearm without a locking device is an unclassified misdemeanor punishable by a maximum \$500 fine.

The act requires the state court administrator to annually report to the general

assembly about the number of charges related to unsafe firearms storage and the disposition of those charges.

The act requires the office of suicide prevention within the department of public health and environment (department) to include on its website, and in materials provided to firearms-related businesses and health care providers, information about the offense of unlawful storage of a firearm, penalties for providing a handgun to a juvenile or allowing a juvenile to possess a firearm, and the requirement that gun dealers provide a locking device with each firearm transferred. Subject to available money, the department is required to develop and implement a firearms safe storage education campaign to educate the public about the safe storage of firearms, state requirements related to firearms safety and storage, and information about voluntary temporary firearms storage programs.

**APPROVED** by Governor April 19, 2021

**EFFECTIVE** July 1, 2021

**H.B. 21-1142** Eyewitness identification - showups - data collection - required showup conditions. The act requires each law enforcement agency that employs a peace officer who is required to be peace officers standards and training board (P.O.S.T.) certified to adopt written policies and procedures concerning eyewitness identifications, which must be consistent the provisions of this act. Beginning January 1, 2022, each law enforcement agency that uses a showup shall collect for each showup the date, the technique that was used, the gender and race of the suspect, the alleged crime, and the outcome of the showup. Each law enforcement agency shall create an annual report of the data collected.

The act directs that a peace officer may only utilize a showup:

- Following the report of a crime, when a peace officer, acting on reasonable suspicion, has detained a subject in the crime within minutes of the commission of the crime and near the location of the crime;
- When, given the circumstances, neither a live lineup nor a photo array is available as a means of identification and the eyewitness reasonably believes he or she can identify the subject;
- To verify the identity of an intimate relationship in a domestic violence case; or
- To confirm the identity of a familial subject, including a parent, child, or sibling known to the eyewitness.

Beginning January 1, 2022, a P.O.S.T.-certified peace officer must comply with certain conditions when conducting a showup. The act requires a court to consider any failure by law enforcement to comply with the showup conditions if there is a challenge to the showup identification. The act directs a peace officer conducting a showup to communicate to the eyewitness certain information and instructions about the showup process, and the eyewitness must agree to comply with the instructions for the showup to proceed.

Under current law, local law enforcement agencies must begin collecting certain data



relating to contacts conducted by the agencies' peace officers. The act adds data related to showups to that collection requirement beginning in 2023.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1143** Rape victim - rights related to rape kit testing - maintain evidence. The act requires the medical professional collecting medical evidence for a rape kit to inform the rape victim of the contact information for the nearest sexual assault victim's advocate or confidential victim's advocate, the length of time that medical evidence must be preserved, and the victim's right to be notified of the destruction of the medical evidence.

The act creates the following rights, upon request, for a victim of a sex crime:

- The right to be notified that evidence has been submitted for testing;
- The right to be notified when the law enforcement agency has received the results of the analysis;
- The right to be informed of whether a DNA sample was obtained from the analysis and whether or not there are matches to DNA profiles in state or federal databases;
- The right to be informed at least 60 days prior to the destruction of forensic medical evidence collected in connection with the alleged sex offense;
- The right to file, prior to the expiration of the 60-day period, an objection to the destruction of the forensic medical evidence;
- The right to be informed of any change in status of the case, including if the case has been closed or reopened; and
- The right to receive a physical document identifying the victim's rights under law after the exam has been completed.

The act directs a law enforcement agency to maintain the medical evidence until the statute of limitation has run on the crime and for an additional 10 years if the victim objects to its destruction.

**APPROVED** by Governor May 27, 2021

**EFFECTIVE** May 27, 2021

**H.B. 21-1214** Collateral consequences - retroactive motions - public defender and alternative defense council record sealing fund - automatic arrest record sealing - multiple conviction record sealing - sealed pardoned convictions - automatic sealing of drug convictions - appropriation. Under current law, adults and juveniles can file motions for relief from collateral consequences. The act states that a motion can be filed related to convictions retroactively.

The act allows the state public defender and the office of alternate defense counsel to apply for grants and accept gifts and donations for the purposes of representing defendants in record sealing proceedings. The state public defender and the office of the alternate defense counsel shall not accept a gift, grant, or donation if the gift, grant, or donation is conditioned on its use for sealing records for a specific identified individual or individuals. The state public defender and the office of the alternate defense counsel shall report on the receipt and expenditure of gifts, grants, and donations at its SMART act hearing.

The act creates an automatic sealing process for arrest records when no criminal charges are filed. For arrest records on or after January 1, 2022, the Colorado bureau of investigation (CBI) shall seal arrest records in its custody and control after a year has passed without the filing of criminal charges. For arrest records before January 1, 2022, CBI shall seal arrest records for:

- Felonies with a 3-year statute of limitations if 3 years have passed since the date of arrest without the filing of charges; and
- Misdemeanors, traffic misdemeanors, petty offenses, or municipal violations with an 18-month statute of limitations or less if 18 months have passed since the date of arrest without the filing of charges.

Felony arrest records with a statute of limitations of longer than 3 years or with no statute of limitations are not eligible for automatic sealing. The department of education can still access and use records sealed under these provisions.

The act creates a process for a person with multiple conviction records that are eligible for sealing due to an intervening conviction to petition the court in a civil proceeding to have the records sealed. The district attorney has an opportunity to object, and if the district attorney objects, the court sets the matter for hearing to determine whether to seal the records.

The act allows a person who receives a full and unconditional pardon to have his or her conviction record sealed.

The act creates a process to automatically seal drug convictions. The state court administrator (administrator) shall compile a list of drug convictions eligible for sealing under current law, and seal the record:

- If the drug conviction is for a petty offense or misdemeanor, and at least 7 years have passed since the disposition of the case; or
- If the drug conviction is for a felony, and at least 10 years have passed since the disposition of the case.

After the administrator compiles the list, the administrator shall send the list to the CBI for review and the bureau shall remove any convictions in which the identity of the defendant is unverifiable or convictions in which the defendant had another conviction during the waiting period. The bureau shall send its list to each district attorney in the state.

The district attorney shall remove any convictions in which a condition of a plea was that the defendant agreed to not have the case sealed and convictions in which the defendant has pending criminal charges. Each district attorney shall send its amended list to the administrator. The administrator shall compile each of the lists into one list and sort the convictions by judicial district.

The district attorney shall send the list to the chief judge for the judicial district and the courts of that judicial district shall enter sealing orders based on the list received.

The administrator shall develop a website that allows defendants to confidentially determine whether the defendant's conviction has been sealed and information about how to receive a copy of the sealing order.

The act appropriates from the general fund \$300,605 to the judicial department to implement the act. The act appropriates \$39,815 from the general fund to the department of public safety for the biometric identification unit.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1280** Criminal bond process - bond hearings within 48 hours - release after posting bond - notice of bonding rights - sheriff bonding policies - bond hearing officer weekend and holiday hearings - appropriations. The act requires a court to hold a bond setting hearing within 48 hours after an arrestee's arrival at a jail or holding center beginning on April 1, 2022.

Under current law, a person is allowed to post bond within 2 hours after the sheriff receives the bond information. The act repeals that requirement. The act states a bond may be paid at a minimum by cash, money order, or cashier's check, and a judge, judicial officer, or bond hearing officer shall not require a monetary bond be paid in the defendant's name. Unless extraordinary circumstances exist, the custodian of a jail shall release a defendant who is granted a personal recognizance bond no later than 6 hours after the defendant is back in jail, and in cases when cash bond is set, the defendant shall be released no later than 6 hours after bond is set, after the defendant is physically present in the jail, and after the defendant or surety notifies the jail that the defendant or surety is prepared to post bond. If the custodian fails to release the defendant within 6 hours after the bond has been set, the custodian shall inform the defendant and any person posting bond on behalf of the defendant the reason for the delay and shall document the reason for delay in the defendant's file. The act requires that after a bond has been paid, the defendant and surety, if any, receive a copy of the bond paperwork, a notice of rights related to bonding, and information regarding the defendant's next court date. The act requires each jurisdiction to establish a way to pay bond online by January 1, 2022. The act states that a bond is posted when the surety or defendant pays the bond as evidenced by the time stamp on the bond or bond receipt.

Each sheriff shall post a notice of rights related to bonding on the sheriff's website, including information about how to file a complaint for violations. The sheriff shall include the notice in the inmate handbook and must provide the notice free of charge to anyone requesting a copy. The sheriff shall post a notice that contains the bonding information in the common area of the jail in a location clearly visible to the inmates and clearly visible in the public portion of the jail where a person posts bond.

By October 1, 2021, each sheriff shall:

- Create written policies to comply with statutory bonding requirements;
- Review and update the sheriff's website, signage, paperwork, and forms related to bonding to reflect current law; and
- File a certificate of compliance with the statutory bonding provisions with the division of criminal justice in the department of public safety.

The act provides that each defendant has a right to be represented by an attorney at a bond hearing and the prosecution has the right to be present at a bond hearing.

The act creates the position of a bond hearing officer, who is a magistrate, to conduct bond hearings on weekends and holidays throughout the state using audiovisual technology. The bond hearing officer conducts bond hearings throughout the state in the counties that request the service of the bond hearing officer. The public will be able to view the hearings. For each case heard by the bond hearing officer, the arresting jurisdiction shall electronically transmit the arrest report, pretrial services information, and all other relevant information to the bond hearing officer prior to the hearing. The act creates the district attorney assistance for bond hearing grant program to assist smaller district attorneys' offices in covering the costs associated with the bond hearing officer hearings. The act appropriates \$150,000 for the grant program.

For the 2021-22 state fiscal year, the act appropriates \$412,816 from the general fund and the judicial department information technology cash fund to the judicial department to implement the act. The act appropriates \$67,136 from the general fund to the state public defender to implement the act. The act appropriates \$19,500 from the general fund to the division of criminal justice in the department of public safety to implement the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1298** Firearms - background check required for transfer by licensed dealer - grounds for denial of background check - appeal of denied transfer. The act requires a licensed gun dealer to obtain approval for a firearms transfer from the Colorado bureau of investigation (bureau) prior to transferring a firearm.

The act prohibits the bureau from approving the transfer of a firearm to a person who was convicted of specified misdemeanor offenses. The bureau is also prohibited from approving a firearms transfer until it determines that its background investigation is complete and that the transfer would not violate federal prohibitions on firearms possession or result in a violation of state law.

A person may be denied a firearms transfer if there has not been a final disposition in criminal proceedings for certain offenses for which the prospective transferee, if convicted, would be prohibited from purchasing, receiving, or possessing a firearm. The act permits continued denial of the transfer when the bureau is unable to obtain the final disposition of a case that is no longer pending.

A person who has been denied a firearms transfer following a background check can appeal the denial. The act establishes a 60-day deadline for the bureau to review background check records that prompted the denial and render a final administrative decision regarding the denial.

**APPROVED** by Governor June 19, 2021

**EFFECTIVE** June 19, 2021

**H.B. 21-1315** Juveniles - court fees, costs, and surcharges - cash fund transfers. The act removes the following administrative fees, costs, and surcharges in juvenile delinquency cases that a juvenile or a juvenile's parent or legal guardian must pay:

- Cost of care, other than costs required pursuant to the federal "Social Security Act", for a juvenile sentenced to a placement out of the home or granted probation as a result of an adjudication, deferral of adjudication, or direct filing in or transfer to district court;
- Costs of prosecution and the amount of the cost of care imposed upon a juvenile who is adjudicated a juvenile delinquent;
- Fees for applying for court-appointed counsel and costs of the representation when a juvenile's parent, guardian, or legal custodian is determined not to be indigent;
- Costs and surcharges levied on criminal actions and traffic offenses paid into the court district's crime victim compensation fund and the victims and witnesses assistance and law enforcement fund;
- Surcharges paid into the sex offender surcharge fund by juveniles adjudicated, or who receive a deferred adjudication, for commission of a sex offense;
- Cost of the juvenile's medical care in the youthful offender system provided to the minor based on the minor's consent;
- Cost of collecting and testing biological samples from juveniles sentenced to the youthful offender system;
- Time payment and late penalty fees assessed when a juvenile does not pay fines, fees, costs, surcharges, or other monetary assessments in criminal cases;
- The restorative justice surcharge;
- Costs and surcharges related to impaired driving; and

- The fee assessed on persons required to perform community or useful public service.

A court is prohibited from including fees related to participating in restorative justice practices in a court order.

Any outstanding balance of the fees, costs, and surcharges repealed in the act are unenforceable and not collectable. Within 6 months after the effective date of the act, the court is required to vacate the portion of a court order that imposes the costs.

The act makes transfers from the marijuana tax cash fund to the restorative justice surcharge fund, the crime victim compensation fund, and the victims assistance and law enforcement fund.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**NOTE:** Portions contingent on SB 21-059 becoming law. Senate Bill 21-059 became law and has an effective date of October 1, 2021.

## EDUCATION - PUBLIC SCHOOLS

**S.B. 21-13** Student learning recovery - resource bank - supplemental online courses - report. The act directs the department of education (department) to identify educational products, strategies, and services that have demonstrated effectiveness in identifying and reversing student learning loss that has been caused by the suspension of in-person learning. The department must create and maintain a resource bank of examples of educational products, explanations of and instructions for implementing strategies and educational services, and models of professional development programs related to using the products and implementing the strategies and services. School districts, boards of cooperative services, and charter schools (local education providers) may submit information to the department concerning products, strategies, and services that they have used with success, and the department must include them in the resource bank. The department must also provide information concerning public or private nonprofit entities that local education providers may work with in providing student support. The act also directs the department, to the extent possible within existing resources, to provide technical assistance to local education providers upon request.

The act recognizes the amount of federal COVID-relief money that the department is expected to receive and encourages the department to use as much as possible of the amount received to fund learning recovery initiatives. The act requires the department to prepare a report concerning the department's use of the federal money received and submit the report to the education committees of the general assembly and post the report on the department's website.

The act directs the board of cooperative services that administers the statewide supplemental online and blended learning program (administering BOCES) to partner with local education providers for delivery of supplemental online learning recovery courses for students in elementary and secondary schools. The administering BOCES and local education providers are also directed to partner with nonprofit entities and community-based organizations to expand the availability of, and students' access to, supplemental online learning recovery courses. The administering BOCES and the local education providers must provide information concerning the availability of the learning recovery courses and other supplemental online courses.

**APPROVED** by Governor May 13, 2021

**EFFECTIVE** May 13, 2021

**S.B. 21-17** School employee conduct - sexual conduct with students over 18 - crime - pre-employment check - report dismissals or resignations based on sexual acts with a student over 18 - licensing sanction. Under current law, a secondary school teacher who has sexual contact with a student who is 18 years of age or older may not have committed a crime. The act provides that an educator who subjects a secondary school student who is 18 years of age or older to sexual intrusion or sexual penetration commits the crime of abuse of public trust by an educator if the educator is at least 4 years older than the student. Abuse of public trust by an educator is a class 1 misdemeanor. Consent by the student is not a defense to the crime.

The act requires a public school prior to employing a person to inquire with the department of education (department) regarding whether the person was dismissed or resigned based on an allegation of a sexual act with a student 18 years or older.

The act requires that if an employee of a public school is dismissed or resigns as a result of an allegation of a sexual act involving a student who is 18 years of age or older, regardless of whether the student consented to the sexual act, that is supported by a preponderance of the evidence, the governing board of the charter school or school board shall notify the department and provide any information requested by the department concerning the circumstances of the dismissal or resignation. The public school shall also notify the employee that information concerning the employee's dismissal or resignation is being forwarded to the department. The act prohibits a public school from entering into a settlement agreement that would restrict the public school from sharing any relevant information related to an allegation of a sexual act involving a student who is 18 years of age or older, regardless of whether the student consented to the sexual act, that is supported by a preponderance of the evidence pertaining to the employee with the department, another school district, or charter school pertaining to the incident upon which the dismissal or resignation is based.

Under current law, the department of education can impose licensing sanctions on unethical behavior and professional incompetence. The act requires the state board of education to promulgate appropriate rules defining the standards of unethical behavior and professional incompetency. Unethical behavior must include conduct involving a sexual act between an applicant or holder and a student, including a student who is 18 years of age or older, regardless of whether the student consented to the sexual act.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Portions are contingent on SB 21-271 becoming law. Senate Bill 21-271 became law and has an effective date of March 1, 2022.

**S.B. 21-53** School finance - mid-year adjustments to total program funding - additional state funding - appropriations. The actual funded pupil count and the actual at-risk pupil count for the 2020-21 budget year were lower than anticipated when the appropriation amount was established during the 2020 legislative session, resulting in a decrease in total program funding for the 2020-21 budget year. In addition, local property tax revenue and specific ownership tax revenue were less than anticipated, resulting in a decrease in the local share of total program funding.

The act declares the general assembly's intent to maintain total program funding at the dollar amount of the original appropriation made during the 2020 legislative session, thereby reducing the budget stabilization factor.



The act appropriates additional funding for the 2020-21 budget year for districts that experienced a percentage decrease in total program funding from that estimated during the 2020 legislative session that was greater than the district's percentage decrease in funded pupil count from that estimated during the 2020 legislative session. In addition, the act includes additional funding for districts that have an overall reduction in total program funding that is more than 2% below the districts' estimated total program funding during the 2020 legislative session.

Charter schools in districts that qualify for additional funding receive a per-pupil share of the additional funding. If an institute charter school experiences a reduction in total program funding from that estimated during the 2020 legislative session and is in an accounting district that receives additional funding, the institute charter school receives a per-pupil amount of additional funding.

Additionally, the act includes an appropriation for rural school funding pursuant to section 22-54-142.

For the 2020-21 state fiscal year, the act appropriates to the department of education:

- \$14,710,777 and \$4,578,464 from the general fund for additional state funding for school districts and district charter schools;
- \$569,849 from the general fund for additional state funding for institute charter school; and
- \$25,000,000 from the rural schools cash fund for rural school funding.

**APPROVED** by Governor March 15, 2021

**EFFECTIVE** March 15, 2021

**S.B. 21-56** Cannabis-based medicine at school - required school board policies - administration by school personnel - legal protection for administration - exceptions - appropriation. Under current law, school districts must permit primary caregivers to possess and administer cannabis-based medicine on school grounds, and school principals are given the discretion to permit the storage, possession, and administration of cannabis-based medicine on school grounds by school personnel. The act removes the discretion from the school principals and requires school boards to implement policies allowing for the storage, possession, and administration of cannabis-based medicine by school personnel. The act allows school personnel to volunteer to possess, administer, or assist in administration of cannabis-based medicine and protects those who do from retaliation. But, school personnel are not required to administer medical marijuana and cannot be retaliated against for refusing. The volunteer or school personnel who administers the medical marijuana must do so pursuant to the instructions or plan for administration from one of the student's recommending physicians, including the dosing, timing, and delivery route instructions. The act imposes a duty on school principals to create a written treatment plan for the administration of cannabis-based medicine and on school boards to adopt policies regarding actual administration.

The act provides disciplinary protection to nurses, anyone licensed pursuant to title 12, and school personnel who administer cannabis-based medicine to students at school. The act provides civil and criminal immunity to school personnel who act in good faith in administering cannabis-based medicine to students at school. The act requires schools to treat cannabis-based medicine recommendations like prescriptions. The act does not apply to a private or nonpublic school, and it does not apply a public school located on federal land if the federal government prohibits administration of medical marijuana at a school located on federal land.

The act appropriates \$15,419 to the department of education from the general fund to purchase legal services from the attorney general.

**APPROVED** by Governor May 5, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-58** Educator licensing - alternative principal programs - appropriation. The act authorizes a school district, a board of cooperative services, an institution of higher education, a nonprofit organization, a charter school, the state charter school institute, a nonpublic school, or any combination of these entities to create an alternative principal program (program). The program must meet statutory requirements and is subject to approval and periodic reapproval by the state board of education. A person who completes an approved program while employed by a school district, board of cooperative services, or charter school may qualify for an initial or professional principal license.

For the 2021-22 fiscal year, the act appropriates \$16,692 from the educator licensure cash fund to the department of education for the office of professional services.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** May 24, 2021

**S.B. 21-67** School districts - civics education studies - content standards. The act specifies information and issues that public schools must teach in providing courses on civil government. The act directs the state board of education to review the state civics standards and update them as necessary to include the identified information and issues. The act encourages each school district and public school to partner with local service organizations to solicit donations to improve the quality of the civics education program. Donations may be used to pay the cost to develop a high-quality curriculum, invite speakers to interact with students, and provide students with opportunities for civics learning and engagement outside of the classroom.

**APPROVED** by Governor May 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

**S.B. 21-81** Safe2Tell - attorney general release of information - court order production of records. The act allows the attorney general to disclose to law enforcement personnel any materials or information obtained through the implementation or operation of the safe2tell program (program) if the attorney general reasonably deems such disclosure necessary for the prevention of imminent physical harm or serious bodily injury to one or more persons.

The act permits a court to issue a court order for production of records upon the request of a law enforcement agency, public safety agency, or district attorney, under seal, for program materials identifying a reporting party if the court, following an in camera review, determines probable cause exists that a reporting party to the program knowingly used the program in the commission of false reporting of an emergency and release of program materials is justified on balance in view of the probable violation and the program purpose of anonymity. The court may lift the sealing only on a motion of a district attorney upon showing of good cause following an in camera review of the information. If charges are filed against a person that rely on the information provided pursuant to the court order, the sealing order automatically expires and the information is subject to discovery obligations.

The program produces awareness and educational materials for the program. The act requires those materials to include an explanation of the circumstances when a student's report may not remain anonymous.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**S.B. 21-104** Special education fiscal advisory committee. The act continues the Colorado special education fiscal advisory committee until 2031.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-106** High school innovative learning pilot program - fourth-year innovation pilot program - creation - appropriation. The act amends the high school innovative learning pilot program (ILOP) that authorizes school districts, district charter schools, and institute charter schools (local education providers) to count as full-time students high school students participating in innovative learning opportunities regardless of whether they meet the number of teacher-pupil instruction and contact hours for full-time enrollment. The act allows a school of a school district to participate in an ILOP with a district or independently and requires all applicants to demonstrate how their innovative learning plan disproportionately benefits underserved students.

In selecting applicants to participate in the pilot program, the act requires the department of education (department) and the state board of education (state board) to

consider whether the innovative learning plan includes opportunities for students to participate in registered or unregistered apprenticeships, internships, and technical training or skills programs through an industry provider, teacher training opportunities, concurrent enrollment, and industry certificates.

Further, subject to available appropriations, the state board is encouraged to select up to 20 applicants and is not limited to choosing applicants that had part-time students in the prior year and that enroll fewer than 5,000 students.

The act creates the fourth-year innovation pilot program (pilot program) in the department of higher education to disburse state funding to postsecondary education and training programs on behalf of low-income students who graduate early from a high school participating in the pilot program prior to enrolling in the fourth year of high school or prior to enrolling in the second semester of their fourth year in high school.

The state funding awarded to a student graduating prior to enrolling in the fourth year of high school is equal to the greater of 75% of the average state share amount of the statewide average per-pupil funding for public elementary and secondary schools for the 2021-22 budget year, as calculated during the 2021 legislative session, or \$3,500. The state funding for a student graduating prior to the second semester of their fourth year in high school is equal to the greater of 45% of the average state share amount of the statewide average per-pupil funding for public elementary and secondary schools for the 2021-22 budget year, as calculated during the 2021 legislative session, or \$2,000. The state funding is disbursed to the postsecondary program on behalf of the eligible graduate and may be used for the eligible graduate's cost of attendance for the postsecondary program, as determined by the department of higher education. The local education provider from which the student graduated early prior to the fourth year of high school receives a portion of the state savings for school finance obligations due to the early graduation. An eligible graduate must enroll in a postsecondary program within 18 months after graduating or the state funding is forfeited.

The act requires the department of higher education to report annually to the department, the governor's office of state planning and budgeting, the joint budget committee, and the education committees of the general assembly concerning certain information specified in the act relating to the pilot program. The act creates the fourth-year innovation pilot program fund for the pilot program. The pilot program repeals, effective December 31, 2027.

For the 2021-22 state fiscal year, the act appropriates:

- \$220,115 and 0.3 FTE to the department of education for the high school innovative learning pilot program; and
- \$44,222 and 0.6 FTE to the department of higher education to implement the for the fourth-year innovation pilot program

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**S.B. 21-116** Prohibition on use of American Indian mascots in public schools and public institutions of higher education - fines - capital construction assistance grants. The act prohibits the use of American Indian mascots (mascots) by public schools, including charter and institute charter schools, and public institutions of higher education (public school) as of June 1, 2022. The act imposes a fine of \$25,000 per month for each month that a public school continues to use a mascot after such date, payable to the state education fund.

The prohibition does not apply to:

- Any agreement that exists prior to June 30, 2021, between a federally recognized Indian tribe (tribe) and a public school, although the tribe has the right and ability to revoke the agreement at any time;
- Any public school that is operated by a tribe or with the approval of a tribe and existing within the boundaries of the tribe's reservation; and
- The ability of a tribe to create and maintain a relationship or agreement with a public school that fosters goodwill, emphasizes education and supports a curriculum that teaches American Indian history, and encourages a positive cultural exchange. Any such agreement may allow any mascot that is culturally affiliated with the tribe, as determined at the discretion of the tribe's governing body.

The Colorado commission of Indian affairs shall identify each public school in the state that is using an American Indian mascot and that does not meet the criteria for an exemption and post such information on the commission's website. In addition to posting such information on its website, the commission, in coordination with the department of education, shall notify the school district of a public school, and the charter school institute, identified by the commission of the requirements related to the use of American Indian mascots, as well as the penalty for continued used of such mascots.

The act allows those schools that are using American Indian mascots to apply for state financial assistance for public school capital construction grants.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**S.B. 21-117** Students in out-of-home placement - education - transportation services - coordination with counties. The act amends provisions concerning students in out-of-home placement that mandate cooperation between schools and county departments of human or social services (county departments) relating to education. Specifically, the act:

- Amends the definition of "student in out-of-home placement" to align with those students in custody of county departments;
- Streamlines billing practices for transportation services provided to students in out-of-home placement by requiring the use of invoices and forms approved by both the department of education and the state department of human

- services; and
- Authorizes school districts and the state charter school institute in establishing transportation plans with county departments, as required by law, to establish transportation plans by region or through a board of cooperative services.

**APPROVED** by Governor April 26, 2021

**EFFECTIVE** April 26, 2021

**S.B. 21-119** Career development success program - top ten industry-recognized credentials - appropriation. The career development success program provides financial incentives for participating school districts and participating charter schools to encourage pupils enrolled in grades 9 through 12 to enroll in and successfully complete qualified industry-credential programs; qualified internship, residency, or construction industry pre-apprenticeship or apprenticeship programs; and qualified advanced placement courses (programs and courses). The act amends the list of qualified programs by removing residency programs and expanding pre-apprenticeship and apprenticeship programs to include any industry program, not just construction industry programs.

The act expands the definition of a qualified industry-credential program to include a career and technical education program that, upon completion, results in an industry-recognized credential with labor market value aligned with a high-skill, high-wage, in-demand job.

Current law requires the work force development council (council) to identify the qualified programs and courses by identifying the jobs included in the Colorado talent report with the greatest regional and state demand, including jobs in in-demand industries. The act requires the council to consult with relevant industries to identify the programs and courses by identifying high-skill, high-wage jobs in in-demand industries that have labor market value. Any programs and courses the council determines do not demonstrate labor market value may be removed from the council's website.

Beginning in the 2022-23 school year, and each school year thereafter, the department of education (department), in coordination with the department of labor and employment, the department of higher education, the Colorado community college system, and employers from in-demand industries, shall identify the top 10 industry-recognized credentials that may be awarded to high school students. For each identified credential, the department shall specify how the courses taken to earn the credential align with the state academic standards.

The act requires each participating school district, each nonparticipating school district on behalf of its participating charter schools, and the state charter school institute on behalf of each participating institute charter school to report to the department the total number of pupils who successfully complete a program or course, disaggregated by each student's race, ethnicity, and gender, and whether each student is a student with a disability, an English language learner, or eligible for free or reduced-price lunch.

Current law requires each participating school district and each participating charter

school to regularly communicate to all high school students the availability of programs and courses and the benefits a student receives as a result of successfully completing one of the programs or courses. The act expands this requirement to all middle school students and the students' families.

The act requires each participating school district and each participating charter school to communicate how industry-recognized credentials and guaranteed-transfer pathways courses that are included in such credentials are aligned with postsecondary degrees and high-skill, high-wage, in-demand jobs, and the top 10 industry-recognized credentials identified by the department. The communications must be provided in a language that the students and the students' families understand.

The act updates the department's annual reporting requirements to the general assembly to include:

- Whether the students participating in the programs and courses enlisted in the military or entered the workforce after graduation;
- How money received under the career development success program was used to promote the availability of programs and courses; and
- How the participating school district or participating charter school determined which programs and courses to offer, including how the programs and courses are aligned with local workforce needs.

No later than July 1, 2022, the department, in collaboration with the Colorado community college system, shall publish and disseminate materials through existing and relevant platforms used to engage with districts that include, at a minimum, the top 10 industry-recognized credentials and a sample communications plan for how a participating school district or participating charter school may communicate the value of credentials and experiences to students and families.

The act requires participating school districts and participating charter schools to utilize program funding to promote access to programs and courses.

The act requires the return on investment report to include information specifically identifying the number of high school students enrolled and the number of degrees and certificates awarded through the career development success program.

The act appropriates \$20,000 from the general fund to the department of education to implement the act.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-151** Colorado READ act - information concerning core and supplemental reading curricula, reading instructional programs, and intervention reading supports - appropriation. The act amends the "Colorado READ Act" to require each local education provider to submit the following information to the department of education (department) and to require the department to post the information on its website:

- The core and supplemental reading curriculum, or a detailed description of the reading curriculum, by grade, used in each of the local education provider's schools;
- The core and supplemental reading instructional programs and intervention reading instruction, services, and other supports provided in each of the local education provider's schools;
- The number of students enrolled in kindergarten and first through third grades who have READ plans, as well as the number of students who have achieved reading competency; and
- The local education provider's budget and narrative explanation for the use of the "Colorado READ Act" intervention money.

Each local education provider must provide a link on its website and on its schools' websites to the page on the department's website where the information is posted.

For the 2021-22 budget year, \$91,944 is appropriated from the early literacy fund to the department for the costs of implementing the act.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**S.B. 21-157** Charter schools - capital construction - moral obligation bond cap increase. Under current law, if the Colorado educational and cultural facilities authority has issued qualified charter school bonds for a charter school that fails to immediately restore its qualified charter school debt service reserve fund (reserve fund) to the applicable reserve fund requirement, the general assembly may, but is not required to, appropriate money to restore any or all reserve fund requirements for an aggregate outstanding principal amount of bonds not to exceed \$500 million. The act increases the cap for the aggregate outstanding principal amount of qualified charter school bonds for which the general assembly may restore reserve fund requirements to \$750 million.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-172** Educator pay raise fund - task force creation - ballot measure to increase state tax revenue. The act creates the educator pay raise fund (fund), which consists of money that the general assembly may appropriate or transfer to the fund. The creation of the fund is



conditioned on passage of a ballot measure by November 2027 that increases state tax revenue and requires the revenue to be deposited into the fund. The department of education (department) must distribute any money appropriated from the fund to assist school districts, charter schools, and boards of cooperative services in increasing teacher salaries and the hourly wage paid to other employees.

The act creates the educator pay raise fund task force (task force) to recommend a process by which the department will disburse money from the fund to school districts and charter schools. The act specifies considerations that the process must address, including requiring that a school district or charter school must at least maintain the level of funding it provides for educator salaries and wages from revenue other than money received from the fund. The president of the senate and the speaker of the house of representatives must appoint the task force members who represent specific constituencies listed in the act. The task force must submit its recommendations to the education committees of the general assembly by January 15, 2022.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**NOTE:** Section 22-55.5-103, created in section 1 of this act, takes effect only if, at a statewide election held no later than November 2027, a majority of voters approve a measure that increases state tax revenue and requires the increased tax revenue to be deposited into the educator pay raise fund.

**S.B. 21-185** Educator workforce - recruitment and retention programs - mental health services - appropriation. Current law limits the content areas in which a person who holds an adjunct instructor authorization may teach. The act allows a school district or charter school to employ a person who holds an adjunct instructor authorization to teach in all content areas in order to address recruiting challenges and establish a diverse workforce.

The act requires the department of education (department) to direct resources to publicize existing teacher preparation programs to facilitate entry into the teaching profession. The act also requires the department to provide technical support to school districts, boards of cooperative services, and charter schools to assist them in accessing the existing programs and in recruiting individuals to pursue teaching careers.

The act requires the department of higher education, in collaboration with the department of education, the state board for community colleges and occupational education, and the deans of the schools of education and academic administrators in Colorado institutions of higher education, or their designees, to design a teaching career pathway for individuals to enter the teaching profession. The act outlines the components of the teaching career pathway program.

The act creates the teacher recruitment education and preparation program (TREP program) in the department. Two of the main objectives of the TREP program are to increase the number of students entering the teaching profession and to create a more diverse teacher

workforce to reflect the ethnic diversity of the state. A qualified TREP program participant may concurrently enroll in postsecondary courses in the 2 years directly following the year in which the participant was enrolled in the twelfth grade of a local education provider. The act outlines the selection criteria and requirements for the TREP program.

The act creates the educator recruitment and retention program (ERR program) in the department to provide support to members of the armed forces, nonmilitary-affiliated educator candidates, and local education providers to recruit, select, train, and retain highly qualified educators across the state. The state board of education shall promulgate rules to implement the ERR program. The act outlines the eligibility criteria and program services.

The act adds criteria for the commission on higher education to select eligible applicants for the educator loan forgiveness program.

The act requires the university of Colorado health and sciences center to establish and operate an educator well-being and mental health program to provide support services for educators serving students in Colorado's public elementary and secondary schools.

For the 2021-22 state fiscal year, \$9,132,856 is appropriated from the general fund to the department of education to implement the act. For the 2021-22 state fiscal year, \$942,542 is appropriated from the general fund to the department of higher education to implement the act. For the 2021-22 state fiscal year, \$2,500,000 is appropriated from the general fund to the educator loan forgiveness fund. The department of higher education is responsible for the accounting related to the appropriation for the educator loan forgiveness fund.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-202** Public school air quality improvement projects - grants - appropriation. The act transfers \$10 million from the general fund to the public school capital construction assistance fund (assistance fund) for the purpose of providing "Building Excellent Schools Today Act" (BEST) grants to fund public school air quality improvement projects. The public school capital construction assistance board (board) is authorized to make the grants and is required to prioritize grant awards based on grant applicants' existing calculated local match requirements for BEST grants, with applicants with the lowest matching money requirements having the highest priority and applicants with the highest matching money requirements having the lowest priority. The board is also required to submit a report about the grants to the general assembly during the department of education's 2022 "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" presentation to legislative committees of reference. Notwithstanding the use of existing calculated local match requirements for grant prioritization purposes, the grants are exempted from existing matching money requirements for BEST grants. \$10 million is appropriated from the assistance fund to the board for state fiscal year 2020-21, and any of the money not expended

before July 1, 2021, is further appropriated to the board for state fiscal year 2021-22 for the same purpose.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**S.B. 21-206** Educator licensure cash fund - continuous appropriation - reporting. Since July 1, 2011, money in the educator licensure cash fund (fund), which includes educator license fees, has been continuously appropriated to the state board of education and the department of education (department) for expenses incurred in the administration of the "Colorado Educator Licensing Act of 1991". While the money is continuously appropriated, the department is required to report to legislative committees about its expenditures from the fund and about application processing time. Beginning with the next fiscal year, the general assembly is required to annually appropriate the money, and the reporting requirement is repealed.

The act grants the department 3 more years of continuous appropriation authority, and it likewise extends the related reporting requirement.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-255** Menstrual hygiene products accessibility grant program - appropriation. The act creates in the department of education the menstrual hygiene products accessibility grant program to provide awards to eligible grant recipients in order to provide menstrual hygiene products at no expense to students.

For the 2021-22 state fiscal year, \$100,000 is appropriated from the general fund to the department of education to implement the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-268** Funding schools for 2021-22 school year - changes to Public School Finance Act of 1994 - changes to at-risk definition for at-risk formula factor - English language learner formula factor - crimes resulting in denial or suspension of educator license - K-12 programs and local school board deadlines and processes - federal funding for K-12 programs - appropriations. The act makes changes to the "Public school finance act of 1994" (school funding formula) increasing the statewide base per pupil funding for the 2021-22 budget year by \$141.67 to account for inflation of 2% for a new statewide base per pupil funding amount of \$7,225.28, and sets the minimum statewide district total program funding amount for the 2021-22 budget year and requires the dollar amount of the budget

stabilization factor to remain the same for the 2022-23 budget year.

The act authorizes the state board of education (state board) to take action against an educator license, certificate, endorsement, or authorization if the educator is convicted of an offense under the laws of another state, the United States, or any territory subject to the jurisdiction of the United States, the elements of which are substantially similar to a felony drug offense described in part 4 of article 18 of title 18, Colorado Revised Statutes.

The act extends to 18 months the length of the accreditation contract entered into between the state board and each school district board of education (local school board) and the state charter school institute for the 2021-22 school year.

The act extend by one month the deadline for a local school board to certify to the state board mileage for reimbursement from the public school transportation fund and for the state board to certify to the state treasurer the amount of reimbursements from the public school transportation fund.

The act changes the period of time in which the department of education (department) may establish an alternative pupil count day to within 45 school days after the first school day.

The act allows local education providers to carry forward more than 15% of the per-pupil intervention money received pursuant to the "Colorado READ Act" for the 2020-21 budget year for use in the 2021-22 budget year.

The act adjusts the amount of additional funding authorized in Senate Bill 21-053 that is available to school districts that fully fund total program with local revenue.

The act authorizes a school district that operated a district preschool program pursuant to the "Colorado Preschool Program Act" in the 2019-20 school year with a waiver to serve children under 3 years of age to continue in subsequent school years to use the same number of preschool positions to serve children under 3 years of age who have multiple significant family risk factors.

The act extends the budget deadlines for the 2021-22 budget year for school districts and local college districts.

The act makes permanent statutory provisions that allow school district charter schools that convert to institute charter schools or institute charter schools that convert to school district charter schools to continue to receive funding for at-risk students using the funding formulas that applied to the charter schools prior to the conversion.

For the 2021-22 school year, the act prohibits a local school board from reviewing or making revisions to an existing innovation school plan, innovation school zone, or a public school included in an innovation school zone, pursuant to the innovation school and zone review and revision process. Further, the local school board shall not make any revisions to

an existing innovation school or innovation school zone plan that have not been approved before the effective date of this act.

The act removes the \$10 million annual cap on appropriations for the school counselor corps grant program.

The act requires a board of cooperative services (BOCES) that intends to locate or operate a authorize a full-time BOCES school or an additional location of an existing school that is physically located within the geographic boundaries of a school district that is not a member of the BOCES during the 2021-22 school year to obtain written permission from the school district in which the school will be operated or located. The requirement for written consent does not apply to a BOCES school that is authorized or operating prior to the effective date of the act.

The act requires school districts and institute charter schools to address chronic absenteeism and disproportionate disciplinary practices in order to provide support to students who are identified as at risk of chronic absenteeism and disciplinary actions, including classroom removal, suspension, and expulsion. The act amends the expelled and at-risk student services grant program to focus on services for students identified as at risk of dropping out of school due to chronic absenteeism and disciplinary actions.

The act amends the Colorado imagination library program to align the public relations campaign with "Colorado READ Act" campaigns and requires the contractor administering the program to provide a high-quality independent evaluation of the impact of the program on child and family outcomes and to establish a distressed affiliate fund for county-based affiliate programs. The act establishes the intent of the general assembly to provide full funding for free books for eligible children by 2026.

The act amends the definition of "local public body" in the public open meetings statute to refer to school districts, which are the local public bodies, rather than school boards.

The act declares that the use of federal funding under the "American Rescue Plan Act of 2021" to provide programs, services, and other assistance to populations disproportionately impacted by the COVID-19 public health emergency to mitigate the impacts of the public health emergency through the concurrent enrollment and innovation grant program and the career development success program are allowable uses of the federal funding.

The act declares the general assembly's intention in making changes to the school finance formula commencing with the 2021-22 budget year, as follows:

- Modifies at-risk funding by adding pupils who are eligible for reduced-price lunch under the federal school lunch program, in addition to the free-lunch pupils in the existing definition, and removes the subset of English language learners who are currently included in the at-risk pupil count from the

- definition of "at-risk pupils";
- Adds a new English language learner funding factor to the school finance formula for all English language learners included in the prior year's pupil enrollment. The factor is 8% of per pupil funding multiplied by the English language learner enrollment. as defined in the act.
- Makes corresponding changes to the calculation of district total program funding, minimum per pupil funding, and the minimum per pupil funding base to reflect the school finance formula changes relating to English language learner factor funding; and
- Makes a corresponding change to the statutory district total program amount to reflect the changes to the at-risk funding factor and the addition of the English language learner funding factor.

The act authorizes the use of appropriations for the accelerating students through concurrent enrollment (ASCENT) program for the 2021-22 budget year.

The act removes the \$27 million appropriation in the 2021 long bill from the state education fund to the English language learners professional development and student support program.

The act appropriates:

- \$505,743,696 to the department from the general fund for the state share of districts' total program funding;
- \$400,000 from the state public school fund for school finance audit payments;
- \$2,000,000 from the state education fund for the school counselor corps grant program;
- \$2,200,444 from the general fund to the department to restore funding to the following grant programs that had appropriations reduced or eliminated for the 2020-21 fiscal year:
  - \$800,000 and 0.6 FTE for the ninth grade success program;
  - \$375,807 for the school leadership program;
  - \$280,730 for the accelerated college opportunity exam fee grant program;
  - \$250,000 and 0.3 FTE for the John W. Buckner automatic enrollment in advanced placement courses grant program; and
  - \$493,907 and 0.4 FTE for the local accountability systems grant program.
- \$2,500,000 from the marijuana cash tax fund and 1.0 FTE for the K-5 social and emotional health pilot program;
- \$3,000,000 from the marijuana cash tax fund for the behavioral health care professional matching grant program;
- \$2,000,000 for mill levy equalization for institute charter schools;
- \$1,750,000 to the concurrent enrollment expansion and innovation grant program and \$1,750,000 for the career development success program from

- federal money in the workers, employers, and workforce centers cash fund; and
- \$410,221 to the department from the general fund for the Colorado imagination library program.

**APPROVED** by Governor June 11, 2021

**PORTIONS EFFECTIVE** June 11, 2021

**Note:** Portion of the act are contingent on HB 21-1264 becoming law. HB 21-1264 was enacted and became law June 23, 2021,

**S.B. 21-274** Facility schools - work group to develop a sustainable model outside of child welfare system - distribution of payments - appropriation. The act creates a work group that is tasked with developing a sustainable model that is not embedded in the child welfare system to better serve students. The act outlines membership in the work group, duties of the work group, and reporting requirements for the work group and commissioner of education.

The act requires, in state fiscal year 2021-22 only, and within available appropriations, that the department of education distribute supplemental payments to facility schools approved by the department as of October 1, 2021. The supplemental payments must be above and beyond the current daily per pupil revenue rate as established for the 2021-22 state fiscal year.

For the 2021-22 state fiscal year, the act appropriates \$6,200,000 to the department of education from the general fund for the facility school work group and supplemental payments to facility schools.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**H.B. 21-1006** Fifth-day academic enrichment and support grant program - community-based nonprofit organizations - rural school districts. The act creates the fifth-day academic enrichment and support grant program (program) to award grants on a 3-year cycle to one or more eligible community-based nonprofit organizations (organizations) and to eligible rural school districts to provide supplemental enrichment programming to preschool through high school-aged children on the fifth day of the week for children in schools that have a 4-day school week.

To be eligible for a grant, organizations must, in part, have experience providing before- and after-school programs, serve a majority of children from low-income families, and serve students who attend a school district that operates on a 4-day week. To be eligible for a grant, a rural school district must be rural, as determined by the department of education (department), have no eligible organization operating within the rural school district's boundaries, and serve a majority of children from low-income families.

The state board of education (state board) awards program grants in a 3-year grant

cycle, with an initial grant and automatic renewal of the grant for 2 years as set forth in the act. The amount of the initial and renewal grants is determined by the state board based on the number of children served in the program and other criteria specified in the act. The state board shall promulgate rules to establish the program, including the application process and deadlines.

Grants must be used for one or more of the purposes specified in the act, including to provide supplemental educational programming to support students' academic, social, and emotional development on the fifth day of a 4-day school week, to provide meals and transportation for students attending the program, and to acquire educational materials and necessary technology to provide supplemental educational programming. Grantees are required to report annually to the department on the use of the grant money, with the department reporting to certain committees of the general assembly.

The act creates the fifth-day academic enrichment and support grant program fund for program grants, consisting of money appropriated or transferred to the fund by the general assembly. The department shall not implement or administer the program unless the general assembly appropriates sufficient money to the fund for the program.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1055** School districts - boards of education - member and officer compensation. The act removes the restriction on compensation for a president or vice-president of a school district board of education (board) and allows for the compensation of members of a board. The act also clarifies that any increase to compensation cannot occur during an officer's or member's term in office. The act also requires that a board set compensation rates for officers and members by written resolution in a public meeting. The act also allows members of a board to be reimbursed for necessary expenses in amounts approved by a majority vote of the board in a public meeting.

The act also requires that any compensation provided to officers or members of a board is not higher than \$150 per day for not more than 5 days per week. The act also provides that board members may only receive compensation for days when official board duties are performed. The act also allows a board to adjust compensation for inflation after January 1, 2022.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** May 17, 2021

**H.B. 21-1059** Online instruction - student protections. If a school district, board of cooperative services, or charter school (local education provider) provides educational programming via online instruction to a student (online student), the act prohibits the local education provider from:

- Prohibiting the online student's parent from being in the same room while the



- student participates in online instruction, but the person leading the instruction may require a disruptive parent to leave the area of online instruction;
- Requiring an online student to use a camera while participating in online instruction if the student's technology does not allow for use of a camera; and
  - Suspending or expelling an online student based on an item observed in the student's physical environment or the student's behavior while participating in online instruction, unless the behavior constitutes one of the statutory grounds for suspension or expulsion.

The act specifies that the limitation on suspending or expelling an online student applies to suspensions and expulsions that occur on or after March 23, 2020.

The act specifies that the premises, facilities, and buildings of an educational institution do not include an online student's private residence for purposes of the crime of interference with staff, faculty, or students of educational institutions.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** May 28, 2021

**H.B. 21-1087** School districts - education support professionals - teaching and learning conditions survey - appropriation. Under current law, the department of education (department) administers the teaching and learning conditions survey (survey) every 2 years to assess teaching and learning conditions as predictors of student achievement, retention of teachers, and the relationship between teaching and learning conditions and school administration. The department administers the survey to all preschool, elementary, and secondary teachers in Colorado public schools. Under current law, an education support professional (ESP) is not permitted to take the survey. The act authorizes an ESP who provides direct instruction, supports licensed staff in an educational capacity, or supports instruction and the learning environment to take the survey.

For the 2021-22 state fiscal year, \$53,500 is appropriated to the department from the general fund to implement this act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**H.B. 21-1103** Media literacy - standards - resource bank. The act requires the department of education (department) to create and maintain an online resource bank of materials and resources pertaining to media literacy. At a minimum, the resource bank must include the materials and resources recommended in the media literacy advisory committee's report. The department shall promulgate rules, if necessary, to implement a procedure through which a person may provide comment on a material or resource within the resource bank, including a comment recommending the removal or inclusion of a material or resource within the resource bank.

The act requires the department, upon the request of a school district, district charter

school, institute charter school, or board of cooperative services, and subject to available resources, to provide technical assistance to a school district, district charter school, institute charter school, or board of cooperative services with implementing policies and procedures, best practices, and recommendations related to media literacy.

The act clarifies that a school district, district charter school, institute charter school, or board of cooperative services is not required to adopt or implement any material or resource from the resource bank into its curriculum.

The act requires the state board of education to review and adopt revisions that implement media literacy within reading, writing, and civics standards.

**APPROVED** by Governor March 27, 2021

**EFFECTIVE** March 27, 2021

**H.B. 21-1104** Educator licensure renewal periods - extensions - appropriation. The act extends the renewal period for professional teacher, special services educator, principal, and administrator licenses from 5 to 7 years. The act allows for a professional teacher, special services educator, principal, or administrator who is partially through the current 5-year licensing cycle to have that extended to 7 years for that particular cycle.

The act makes the following appropriations through adjustments to the long bill:

- The cash funds appropriation from the educator licensure cash fund made in the annual general appropriation act for the 2021-22 state fiscal year to the department of education for the office of professional services is decreased by \$292,532, and the related FTE is decreased by 4.0 FTE.
- For the 2021-22 state fiscal year, \$2,922,976 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the office of professional services. Any money appropriated not expended prior to July 1, 2022, is further appropriated to the department for the 2022-23 state fiscal year for the same purpose.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1112** School districts - scholarship program. The act authorizes a school district board of education to establish a scholarship program for graduates of the school district. The scholarships must be paid from additional mill levy revenue that the school district is authorized to collect; gifts, grants, and donations; or both. A school district board of education that establishes a scholarship program is encouraged to prioritize low-income and

first-generation students and limit the allowable uses of scholarship money.

**APPROVED** by Governor May 18, 2021

**EFFECTIVE** May 18, 2021

**H.B. 21-1129** READ act - teacher training in literacy - extension. The law existing before the passage of the act required school districts, charter schools, and boards of cooperative services to demonstrate that, by the beginning of the 2021-22 school year, the kindergarten-through-third-grade teachers they employ have completed evidence-based training in teaching reading. The act extends the deadline for completing the training until the beginning of the 2022-23 school year.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** May 10, 2021

**H.B. 21-1133** Health - seizure disorders - training - individualized seizure action plans. The act requires kindergarten through twelfth grade public schools (school), and strongly encourages nonpublic schools, to provide annual seizure-related training to school personnel who have direct contact with or supervise students who have a seizure disorder.

The parent or legal guardian (parent) of a student who has been diagnosed with a seizure disorder, including epilepsy, (student) is encouraged to submit a signed, individualized seizure action plan (plan) to the school if the student may need assistance with seizure-related care in a school setting. The plan must be developed in coordination with recognized sources on epilepsy and seizure disorders and in consultation with a state organization that represents school nurses. The seizure action plan must be in accordance with the guidelines developed by the department of education. The parent is encouraged to provide updated information to the plan when necessary.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** May 28, 2021

**H.B. 21-1161** Educational accountability - state assessments - waivers. The act suspends the administration of state assessments, contingent on receiving a waiver of federal law from the federal department of education, for the following instructional areas and grade levels for the 2020-21 school year:

- Science for students enrolled in grades 5, 8, and 11;
- Math for students enrolled in grades 3, 5, and 7; and
- English language arts for students enrolled in grades 4, 6, and 8.

For the 2020-21 school year, the act suspends administration of the social studies assessment for students enrolled in elementary and middle school.

The act allows the parent of a student enrolled in a grade for which administration of the English language arts or math assessment is suspended to request through the local

education provider in which the student is enrolled that the student participate in the English language arts assessment or the math assessment.

The act prohibits a school district from using student academic growth measures or student performance measures when evaluating licensed personnel for the 2020-21 school year.

The act requires a school or school district or the state charter school institute to implement the performance plan type that was assigned in the preceding school year. The act also requires the department of education (department), in determining the number of school years that a school or school district or the institute is on performance watch or subject to 2-year review, to exclude the plan types for the 2020-21 and 2021-22 school years and count the plan type for the 2022-23 school year as if it were consecutive to the 2019-20 school year.

If required to implement a priority improvement or turnaround plan during the 2020-21 school year on the basis of its plan type for the 2019-20 school year, the act allows a school or school district or the institute to request a plan type for the 2021-22 school year that reflects its level of attainment based on an alternative body of evidence.

For the 2020-21 and 2021-22 school years, the act suspends the requirement that the department determine annually the level of attainment for public schools, school districts, the institute, and institute charter schools based on performance indicators.

The act reduces the appropriation to the department for the 2020-21 fiscal year.

**APPROVED** by Governor March 16, 2021

**EFFECTIVE** March 16, 2021

**H.B. 21-1164** School finance - total program mill levy - tax credit reduction. For the 2020 property tax year, the existing statute corrects the total program mill levies for school districts that are not subject to constitutional property tax revenue restrictions but whose mill levies were erroneously reduced. Each school district that levies a higher number of mills as a result of the correction must grant a tax credit for the number of mills by which the levy is increased.

The act requires the department of education to adopt a correction schedule to begin phasing out the tax credits in the 2021 property tax year. The correction schedule must apply consistently to each affected school district; must require each district's tax credit to phase out as quickly as possible, but by no more than one mill per year; and must ensure that the tax credits are fully phased out in 19 years.

The act specifies that, until the general assembly determines that stabilizing the state budget no longer requires a reduction in the appropriation for the state share of total program, the general assembly shall annually ensure that the savings to the state share that occurs as a result of the decrease in the temporary property tax credits is appropriated to fund a portion

of the state share of total program.

**APPROVED** by Governor June 11, 2021

**EFFECTIVE** June 11, 2021

**H.B. 21-1200** Financial literacy education - academic standards - resources. The act directs the state board of education (state board) to review, during a recurring interval specified in the act, standards relating to the knowledge and skills that a student should acquire in school to ensure that the financial literacy standards for ninth through twelfth grade include an understanding of the costs associated with obtaining a postsecondary degree or credential and how to budget for and manage the payment for those costs, including managing student loan debt and accessing student aid through completion of the free application for federal student aid (FAFSA) and the Colorado application for state financial aid (CASFA); understanding credit cards and credit card debt; understanding homeownership and mortgages; and understanding retirement plans, including investments and retirement benefits.

The act adds to the resources contained in the existing financial literacy resource bank created and maintained by the state board specific references relating to assessing the affordability of higher education and how to budget and pay for higher education, as well as how to manage student loan debt; understanding the purpose of and how to access and complete the FAFSA or CASFA; understanding credit cards and credit card debt; understanding the home buying process, including home loans and managing mortgage debt; and understanding retirement plans, including investments and retirement benefits.

The act adds assessing the affordability of higher education and how to budget and pay for higher education, as well as how to manage student loan debt to the suggested financial literacy curriculum that a school district is encouraged to adopt. Further, the act requires school districts and charter schools, as part of the process of establishing the individual career and academic plan for a student in grades 9 through 12, to inform the student and the student's parents of the importance of completing the FAFSA and CASFA and to provide help in completing the forms, if requested.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1217** Open enrollment - school registration - inbound active duty military members. The act requires a school district, district charter school, and institute charter school (public school) to accept the school liaison address for the military installation for purposes of demonstrating residency for inbound active duty military members (inbound military member) participating in open enrollment. Further, the act requires a public school that enrolls the child of an inbound military member through open enrollment to grant guaranteed automatic matriculation, as specified in the act, in the same manner guaranteed automatic matriculation is provided to resident students, and shall grant priority preference for younger

siblings of the child for enrolling in subsequent school years.

The act defines "inbound active duty military member" as an active duty military member who receives new orders, or a command letter issued in lieu of orders, for a permanent change of station to a department of defense military installation in Colorado.

The act requires a public school to allow an inbound military member to submit applications for enrollment or open enrollment by electronic means and to register a child remotely, without requiring the child, parent, legal guardian, or another person to appear physically within the state for registration. If required, the inbound military member must also be allowed to provide proof of residency and other records within 10 days after the child's attendance in public school. Further, a public school shall allow the child of an inbound military member the same opportunity to request school assignments, register for courses, or apply for the same courses offered to students who are already present in the state.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1221** Bullying - model bullying prevention and education policy - school bullying policy. The act requires the department of education (department) to utilize a stakeholder process when updating the model bullying prevention and education policy (model policy), which process must include the parents of students who have been bullied. At a minimum, the model policy must clearly differentiate between a conflict and bullying and differentiate between harassment and bullying and clarify the role of cyberbullying during online instruction, which may occur on or off school property.

Current law requires each school district and charter school to adopt a safe school plan that includes:

- A conduct and discipline code with a specific policy concerning bullying prevention and education (bullying policy). The act requires the bullying policy to incorporate the approaches, policies, and practices outlined in the model policy.
- Safe school reporting requirements that include the number of conduct and discipline code violations relating to a school activity or sanctioned event that are detrimental to the welfare or safety of other students or of school personnel, including incidents of bullying. The act requires incidents of bullying be listed as a separate type of violation.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** June 7, 2021

**H.B. 21-1234** Colorado high-impact tutoring program - grants to local education providers - appropriation. The act creates the Colorado high-impact tutoring program (program) to provide grant funding to local education providers, as defined in the act to include school districts and charter schools and others, to create high-impact tutoring programs (tutoring programs) to address student learning loss and unfinished learning due to the presence of the COVID-19 pandemic in Colorado.

A local education provider or group of providers may apply to the department of education (department) for a grant. To receive a grant, a local education provider shall apply to the department and shall demonstrate need, as determined by the department, which may include serving low-income or underserved students. The application must also include the local education provider's plan for its tutoring program (program plan), which must include the elements of a tutoring program and must detail how the local education provider will implement the program plan. The department shall review grant applications, and the commissioner of education (commissioner) shall award grants. In awarding grants, the commissioner shall consider the alignment of the local education provider's program plan with the requirements of the tutoring program, the number of students projected to be served, the needs of a rural local education provider for financial or technical support to implement a tutoring program, the cost of implementing the local education provider's tutoring program, the amount of available money for program grants, and any other criteria determined by the commissioner. The state board of education may promulgate rules necessary to implement the program.

Each year in which a grant is awarded, the act requires a local education provider receiving a grant to report to the department information concerning the implementation of the tutoring program, including student outcomes. The department shall also report annually to the education committees of the general assembly summarizing local education providers' tutoring programs and student outcomes. The department is not required to implement the program if there is insufficient money to award program grants. The act is repealed July 1, 2026.

The act appropriates \$4,981,720 and 1.1 FTE to the department of education to implement the act.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**H.B. 21-1259** Extended learning opportunities - COVID-19 learning impacts - local education providers - combined application, reporting, and evaluation. To the extent possible, the department of education (department) is directed to streamline the application process and other requirements relating to the award of money to local education providers, including school districts, charter schools, and other authorized local education providers (local education providers), as defined in the act, to implement one or more extended learning opportunities to address COVID-19 learning impacts. The department is authorized to administer the programs as part of a single combined application, reporting, and evaluation process created by the department.

Extended learning opportunities are defined in the act to include, in part, summer school programming, extended school days or extended school weeks, high-impact tutoring, creative enrichment tied to academic gains, social-emotional supports, and additional mental health supports tied to academic success.

The combined application allows a needs-based approach to identify the programs and services that meet the needs of the eligible local education provider and allows the department to help match the local education provider with funding sources. In addition to a combined application, the department is authorized to streamline local-education-provider reporting to the department and department reporting to the general assembly and align reporting deadlines.

The local education provider shall establish an internal progress-monitoring system to monitor progress using family- and community-informed practices to measure extended learning opportunities program effectiveness through student educational gains.

The department shall ensure that eligibility requirements, application provisions, allowable uses of funding, data collection and reporting, and any other requirements specific to the program or funding source are met for all programs or services administered pursuant to this section.

If required by law and subject to available funding, the department shall evaluate one or more extended learning opportunities implemented across local education providers using a common set of evaluation criteria and metrics.

The state board may adopt any rules necessary for the implementation of the combined application, reporting, and evaluation process.

The general assembly may appropriate money to the department for use by local education providers to implement extended learning opportunities.

The act repeals the statute, effective July 1, 2026.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** June 7, 2021

**H.B. 21-1273** Licensed school psychologists - annual report - appropriation. The act requires the department of education (department) to prepare an annual report on the number of pupils enrolled in public schools in the state and the total number of licensed school psychologists in the state employed by a school district, a board of cooperative services, or the state charter school institute who are reported as full-time equivalent employees. The report must state the number of pupils and licensed and employed school psychologists in total for the state, disaggregated by school district, board of cooperative services, and the state charter school institute.

The act requires the department to make the report publicly available on its website



no later than 30 days after its completion.

The act appropriates \$35,000 to the department to implement the act.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

**H.B. 21-1294** Statewide accountability systems - audit - appropriations. The act directs the state auditor to contract with a public or private entity (contractor) to conduct a performance audit of the statewide system of standards and assessments and the statewide education accountability system. The act specifies the issues that the performance audit must address. By November 15, 2022, and following release by the legislative audit committee, the final report of the performance audit must be submitted to the commissioner of education, the state board of education, and the education committees of the general assembly.

The act specifies the authority of the state auditor and the contractor to access nonfinancial records and information held by the department of education or held by public schools, school districts, boards of cooperative services, and the state charter school institute, if the records and information are not available from the department or from other sources.

For the 2021-22 fiscal year, the act appropriates \$300,000 from the general fund to the legislative department for use by the office of the state auditor and appropriates \$52,000 from the general fund to the department of education to implement the act.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

**H.B. 21-1325** Legislative interim committee on school finance - contract for poverty study - appropriation. The act creates the legislative interim committee on school finance (interim committee). The interim committee will meet during the 2021 and 2022 legislative interims and during the 2022 and 2023 legislative sessions to approve legislation. The committee consists of 4 senators and 4 representatives with equal representation from each party. The act specifies the issues the interim committee must consider. The interim committee may introduce up to a total of 5 bills, joint resolutions, and concurrent resolutions in each of the 2022 and 2023 legislative sessions. The interim committee will contract with a qualified third-party vendor to study approaches to better measure student economic disadvantage in Colorado in addition to or in lieu of using eligibility for the federal school lunch program as a proxy for at-risk students.

The act appropriates \$100,153 from the general fund to the legislative department to implement the act.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** June 29, 2021

## EDUCATION - POSTSECONDARY

**S.B. 21-8** Community and technical colleges - name changes. The act changes the names of the following colleges:

- Trinidad state junior college to Trinidad state college; and
- Otero junior college to Otero college.

**APPROVED** by Governor May 18, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-29** In-state tuition classification - American Indian tribes with historical ties to Colorado. Beginning with the 2021-22 academic year, the act requires a state institution of higher education (institution) to adopt a policy to offer in-state tuition classification to students who would not otherwise qualify for in-state tuition if the student is a federally recognized member of a federally recognized American Indian tribe with historical ties to Colorado, as designated by the Colorado commission of Indian affairs in partnership with history Colorado.

The institution may count the student as a resident student for any purpose within the tuition classification statutes and for purposes of resident enrollment requirements. The student is eligible to apply for the Colorado opportunity fund stipend and state-funded financial aid, and may be eligible for private financial aid programs.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**S.B. 21-83** Student financial assistance funding. The act modifies the requirement for the 2021-22 fiscal year that the annual appropriations for higher education student financial assistance increase by at least the same percentage as the aggregate percentage increase of all general fund appropriations to institutions of higher education. The act clarifies that this standard increase will not apply to appropriations for the 2021-22 fiscal year for increases in funding for the institutions of higher education that restore aggregate general fund appropriations to a level at or below the level of such appropriations for the 2019-20 fiscal year. Furthermore, for the 2021-22 fiscal year, the standard formula will be calculated based on 2020-21 fiscal year financial aid appropriations during the 2020 legislative session and does not include supplemental appropriations for financial aid during the 2021 legislative session.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-100** Council of higher education representatives - extend repeal. The act continues the council of higher education representatives (council) and extends the repeal of the council for 10 years, to September 1, 2031. Prior to the repeal, the act requires the department of regulatory agencies to conduct a sunset review of the council.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-109** Auraria higher education campus - board - bond payments for auxiliary facilities. For the 2020-21 and 2021-22 state fiscal years only, the act allows the Auraria board to make payments on certain existing bonds for auxiliary facilities from other sources, including money contributed by constituent institutions and from money appropriated to the board by the general assembly.

**APPROVED** by Governor March 12, 2021

**EFFECTIVE** March 12, 2021

**S.B. 21-179** Student financial assistance - Colorado opportunity scholarship initiative - advisory board. The act amends the composition of the Colorado opportunity scholarship initiative advisory board.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** May 7, 2021

**S.B. 21-191** Western Colorado University - board of trustees - student member residency requirement. The act removes the residency requirements for student members to serve on the board of trustees for Western Colorado university.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-215** Open educational resources - zero-textbook-cost degree programs - grant program expansion - report - appropriation. The act makes several changes to the existing statute concerning open educational resources, including:

- Expanding the open educational resources grant program (grant program) to provide grants to develop, implement, and replicate entire zero-textbook-cost degree programs;
- Moving preparation of the annual grant program report from the open educational resources council (council) to the department of higher education (department); and
- Extending the repeal date for the council and the grant program for 5 years.

The statutes existing before passage of the act require public institutions of higher education, beginning in the fall of 2021, to inform students before registration of which courses use open educational resources. The act directs the commission on higher education to adopt guidelines to require public institutions of higher education, beginning no later than the fall of 2025, to also inform students at the point of registration concerning those courses that use open educational resources.

The act directs the department to review the open educational resources policies adopted across the state and identify and determine the efficacy of policies that expand the use and promote the sustainability of open educational resources. The department must include this information in the annual grant program report.

For the 2021-22 fiscal year, the act appropriates \$1,108,200 to the department to use for open educational resource initiatives and preparation of the annual grant program report.

**APPROVED** by Governor May 5, 2021

**EFFECTIVE** May 5, 2021

**S.B. 21-232** Colorado opportunity scholarship initiative - displaced workers grant - appropriation. The act appropriates \$15,000,000 from the workers, employers, and workforce centers cash fund and the federal coronavirus recovery fund to the department of higher education for the Colorado opportunity scholarship initiative's displaced workers grant.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**Note:** The act is contingent on House Bill 21-1264 becoming law. House Bill 21-1264 was approved by the governor on June 23, 2021.

**H.B. 21-1010** Education workgroup - diversity in the educator workforce - appropriation. The act directs the department of higher education and the department of education to convene a workgroup on diversity in the educator workforce (workgroup).

The department of higher education and the department of education shall select the members of the workgroup. The departments may seek recommendations or nominations from interested stakeholders. The workgroup members must be representative of the racial and ethnic diversity of the Colorado student population by ensuring that at least 50% of the workgroup is comprised of persons from historically underrepresented minority groups.

The workgroup shall investigate barriers to the preparation, retention, and recruitment of a diverse educator workforce and shall consider strategies to increase diversity in the educator workforce. The act includes specific issues for the workgroup to consider.

The workgroup shall submit a written report of its findings and recommendations to the education committees of the general assembly no later than September 30, 2022. The

workgroup may submit interim findings and recommendations during the 2022 legislative session.

Under current law, the department of higher education reports annually concerning educator preparation programs, including enrollment, graduation rates, outcomes of graduates, and performance on assessments administered for licensure. The act requires the department of higher education to include the required information disaggregated by the candidates' or graduates' gender, race, and ethnicity. Further, the information contained in the annual report must be posted on the department of higher education's and the department of education's websites.

The act appropriates \$20,115 from the general fund and provides 0.3 FTE to the department of education to implement the act and appropriates \$7,400 from the general fund to the department of higher education to implement the act.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1067** Admission standards - national assessment test score. Under current law, the admission standards for first-time admitted freshmen students must use high school academic performance indicators and national assessment test scores. The act removes the requirement for a national assessment test score. The act states that the governing board of a state institution of higher education (institution) may, but is not required to, require a national assessment test score as an eligibility criterion for admission.

An applicant may submit a national assessment test score to an institution that does not require a national assessment test score as an eligibility criterion and request that the institution consider the national assessment test score.

Starting June 30, 2023, the department of higher education (department) shall publish and submit to the education committees an annual report of various data intended to determine whether requiring or not requiring a national assessment test score as an eligibility criterion for the admissions process provides greater diversity among institutions without causing negative student outcomes that are directly attributable to the change in the admissions process.

On or before June 30, 2027, and on or before June 30, 2032, the commission on higher education shall publish and submit to the education committees a report analyzing the annual reports submitted by the department.

**APPROVED** by Governor May 25, 2021

**EFFECTIVE** May 25, 2021

**H.B. 21-1173** Higher education - admission standards - prohibiting legacy preferences. Current law does not prevent a higher education institution (institution) from considering legacy preferences and familial relationships to alumni of the institution as eligible criteria for admissions standards. The act prohibits a governing board of a state-supported higher education institution (governing board) from considering legacy preferences and familial relationships to alumni of the institution in the admissions process. The act allows a governing board to ask questions regarding familial relationships to alumni of the institution in order to collect data.

**APPROVED** by Governor May 25, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1306** State universities and colleges - accreditation of private colleges and universities and private occupational schools - appropriation. Current law requires a private college or university operating in the state to be institutionally accredited on the basis of an on-site review by a regional or national accrediting body recognized by the United States department of education (DOE). The act allows private colleges and universities and private occupational schools to be accredited by:

- Institutional or programmatic accrediting bodies recognized by the DOE; or
- Programmatic accrediting bodies that are recognized by the Council for Higher Education Accreditation (CHEA) as having the ability to accredit freestanding, single-purpose institutions of construction education.

The act states it is a deceptive trade or sales practice for a private occupational school to advertise or otherwise represent that it is accredited unless the school is accredited by an accrediting body that is recognized by the DOE or is accredited by a programmatic accrediting body that is recognized by the CHEA as having the ability to accredit a freestanding, single-purpose institution of construction education.

The act allows an educational institution or educational service that is exempt from the requirements of the "Private Occupational Education Act of 1981" to waive its exempt status in order to apply for authorization to operate a private occupational school, subject to certain conditions.

For the 2021-22 state fiscal year, the act appropriates \$98,796 to the department of higher education from the private occupational schools fund, \$45,626 of which is for use by the division of private occupational schools for program costs and \$53,170 of which is reappropriated to the department of law to use to provide legal services to the department of higher education.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1328** State universities and colleges - compensation and representation of student athletes - effective date of Senate Bill 20-123. During the 2020 regular legislative session, the general assembly enacted Senate Bill 20-123 concerning the rights of college athletes, and, in connection therewith, establishing their right to receive compensation for the use of their names, images, and likenesses and their right to obtain professional and legal representation. The governor subsequently signed Senate Bill 20-123 into law.

Senate Bill 20-123 was enacted with an effective date of January 1, 2023. The act changes this effective date to July 1, 2021.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**H.B. 21-1330** American Rescue Plan Act - postsecondary student success - Colorado opportunity scholarship initiative - Colorado re-engaged initiative - bachelor of applied science degree programs - role and mission and workforce development study - student aid applications - qualification for in-state tuition - appropriation. Beginning with the 2021-22 state fiscal year, the act directs the Colorado opportunity scholarship initiative (COSI) advisory board to allocate to public institutions of higher education (institution) an amount appropriated to the COSI fund from money received pursuant to the federal "American Rescue Plan Act of 2021" (ARPA). To receive a distribution of its allocation, an institution must submit a student assistance plan (plan) explaining how the institution will use the money to provide financial assistance and support services to students who have some postsecondary credits but stopped attending before obtaining a credential, and first-time students who were admitted to an institution for the 2019-20 or 2020-21 academic year but did not enroll for the 2020-21 academic year. The provision of financial assistance and support services is designed to decrease student debt and increase student enrollment, retention, and completion of credentials. The COSI advisory board must review each plan based on specified criteria and may require changes to a plan before approving a distribution. At the end of the fiscal year, each institution must submit a report of how it used the money and the results achieved. The COSI director must include the information in the report that the board annually prepares for the joint budget committee and the education committees of the general assembly. The program to distribute the federal money in this manner is repealed July 1, 2026.

The act creates the student aid applications completion grant program (grant program) in COSI. A school district, a charter school, or a board of cooperative services that operates a high school (local education provider) that chooses to apply for a grant must require the students enrolled by the local education provider to complete the free application for federal student aid and the Colorado application for state financial aid (student aid applications) before high school graduation, unless waived under conditions specified by the local education provider. The act specifies the contents of the application and requires the COSI

board to review the applications and approve the grant awards to be paid from an amount appropriated to the COSI fund in the act. Each grant recipient must submit an annual report concerning use of the grant money, and the COSI board must include a summary report in the annual report that the COSI board submits to the education committees of the general assembly. The grant program is repealed July 1, 2026.

The act creates the Colorado re-engaged (CORE) initiative within the department of higher education (department) to award an associate degree to an eligible student who enrolls in a baccalaureate degree program at a 4-year institution and earns at least 70 credit hours, but stops attending before attaining the degree. The act specifies the role of the department in implementing the CORE initiative and the role of an institution that chooses to participate in the CORE initiative. Each institution that chooses to participate in the CORE initiative must annually submit to the department a report concerning implementation of the CORE initiative. The department must review and compile the reports and submit a summary report to the education committees of the general assembly.

The act repeals the requirement that a community college or a local district college must receive approval from the Colorado commission on higher education (commission) to offer a bachelor of applied science degree program. A community college or a local district college that seeks to offer a bachelor of applied science degree program must apply to its governing board, and the governing board may approve the program based on specified criteria. If a governing board approves a bachelor of applied science degree program, the governing board must notify the commission. The act repeals the criteria the commission must apply in approving a bachelor's degree program for a local district college.

The act directs the commission to convene a task force to:

- Review the role and mission and service area of each state institution of higher education, local district college, and area technical college;
- Review the interaction between the institutions, the local district colleges, the area technical colleges, and the state work force development council in supporting and improving workforce development; and
- Review and make recommendations concerning uses of ARPA money for assistance for populations disproportionately impacted by the COVID-19 public health emergency that address or mitigate the impacts of the public health emergency on educational disparities.

The act describes the membership of the task force and the issues the task force must address. By December 15, 2021, the task force must submit a report of findings and recommendations to the commission and to the education committees of the general assembly. The department must post the report on the department's website.

The act creates within the department a working group appointed by the governor to recommend strategies for increasing the student completion rate for the student aid applications. The working group must submit its recommendations to the commission, the state board of education, the joint budget committee, and the education committees of the



general assembly by January 15, 2022.

The act allows the governing board of an institution to classify a qualified person as an in-state student, for tuition purposes only, if the qualified person moves to the state to accept employment, the employer is paying the qualified person's tuition, and the qualified person demonstrates the intent to establish permanent domicile in the state. The qualified person is not eligible to receive the state stipend for the first year of enrollment.

For the 2021-22 fiscal year the following amounts are appropriated from money the state received from the federal coronavirus state fiscal recovery fund:

- \$49,000,000 to COSI for distribution to institutions to implement their student assistance plans;
- \$1,500,000 to COSI for the student aid applications completion grant program; and
- \$1,000,000 to the department to implement the CORE initiative and the associate degree completion program.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** June 29, 2021

**Note:** The act is contingent on House Bill 21-1264 becoming law. House Bill 21-1264 was approved by the governor on June 23, 2021.

## ELECTIONS

**S.B. 21-188** Ability of voters with a disability to request and return a ballot electronically. Current law allows a voter with a disability to use an electronic voting device that produces a paper record to vote in a mail ballot election. If a voter receives a ballot through an electronic voting device, the voter is required to print the ballot to return it to the applicable election official. The act allows a voter to either print and return the ballot or to return the ballot by electronic transmission if the voter affirms the voter is an "eligible person" as defined in the act. Regardless of the method of return, the act specifies that to be valid, a ballot must include a signed affidavit or a copy of an acceptable form of identification and must be received by the election official in the applicable jurisdiction before the close of polls on the day of the election.

The act also requires the secretary of state to establish an electronic transmission system through which a voter with a disability may request and return a ballot.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-250** Conduct of elections - voter registration - political party organization - ballot access - voting - recalls - initiative petitions. The act amends various laws related to the conduct of elections, including provisions related to:

- Procedures for registering to vote and for automatic voter registration through voter registration agencies;
- Requirements related to political party organization, including requirements for precinct caucuses, county assemblies, and vacancy committees;
- Ballot access for candidates, including repealing the ability of an unaffiliated candidate for president of the United States to be nominated by paying a fee;
- Requirements for voter service and polling centers and voting in person;
- Procedures for challenges to a person's right to vote;
- Procedures and requirements for circulating recall petitions and the conduct of recall elections, including municipal and local government recall elections;
- Prohibitions on electioneering in and within 100 feet of a polling place; and
- Requirements for filing initiative petitions.

The act applies to elections conducted on or after the effective date of the act and takes effect upon passage; except that provisions allowing a person to register to vote online using the last 4 digits of their social security number take effect March 1, 2022.

**APPROVED** by Governor June 21, 2021

**PORTIONS EFFECTIVE** June 21, 2021  
**PORTIONS EFFECTIVE** March 1, 2022

**H.B. 21-1001** Remote participation in political party and vacancy committee meetings. Through the end of 2021, the act allows members of a party central committee or vacancy committee to participate in a committee meeting remotely, including by casting the member's vote by e-mail, mail, telephone, or through an internet-based application if allowed by the party's rules.

The act permits a state senate, state house of representatives, or county commissioner district committee to hold a meeting to address organizational or administrative matters separate from a meeting of the state or county central committee. A member of a district committee may participate in a separate meeting by remote means if such remote participation has been approved by the chair and vice-chair of the district committee.

The act permits a state party central committee or state party executive committee to adopt party rules or bylaws to implement the bill's remote participation provisions. The act also permits a member of the state party central committee or state party executive committee considering such rules or bylaws to participate remotely in a meeting in which the rules or bylaws are being considered.

**APPROVED** by Governor January 20, 2021

**EFFECTIVE** January 20, 2021

**H.B. 21-1011** Multilingual ballot access - establishment of multilingual ballot hotline - duties of the secretary of state, county clerks, and legislative council staff - minority language sample ballots - appropriation. The act requires the secretary of state (secretary) and county clerk and recorders (county clerk) of certain counties to provide multilingual ballot access.

The secretary is required to establish a multilingual ballot hotline (hotline) to provide access to qualified translators or interpreters in each of the languages in the state that has at least 2,000 citizens age 18 years or older who speak English less than very well and who speak a shared minority language at home, and in any additional languages the secretary determines by rules is necessary to assist electors in translating ballot language. The secretary is required to establish the hotline for use during the general election held in November 2022, and for every general election and statewide odd-year election thereafter. The act specifies when the hotline must be available during voting periods. The secretary is also required to:

- Provide notice of the hotline to electors through election day;
- Ensure that the translators who provide translations for the multilingual hotline are qualified translators or interpreters; and
- Promulgate rules as may be necessary to create and administer the hotline.

The county clerk of any county that satisfies specified criteria is required to create, in coordination with the secretary, a minority language sample ballot (sample ballot) in any minority language spoken in the county that satisfies the following:

- The minority language is spoken by at least 2,000 citizens in the county age 18 years or older, who speak English less than very well, and who speak the

- minority language at home; or
- The minority language is spoken by at least 2.5% of citizens in the county age 18 years or older, who speak English less than very well, and who speak the minority language at home.

The act specifies that the sample ballot must include all of the same content that is on the English language ballot and also specifies the format of the sample ballot. In addition, the act requires that the sample ballots be available for the general election held in November 2022, and for each general election and statewide odd-year election thereafter.

The county clerk of any county that satisfies specified criteria is required to provide, upon the request of an elector, an in-person minority language ballot (in-person ballot) in any minority language spoken in the county that satisfies the same criteria specified for sample ballots. An in-person ballot can be a ballot on demand, a ballot from a printed stock of ballots, or a ballot via an electronic voting device.

The act specifies that the in-person ballot must include all of the same content that is on the English language ballot and specifies that in-person ballots are required to be available for the general election held in November 2022, and for each general election and statewide odd-year election thereafter.

The secretary is required to determine, pursuant to specified criteria, which counties in the state are required to provide multilingual ballot access by creating a sample ballot and providing an in-person ballot, and to notify the county clerk of any county that is required to provide such multilingual ballot access.

Legislative council staff is required to provide to the secretary a translation of all statewide ballot questions or issues that will appear on the ballot in every language in which a minority language sample ballot must be provided in the state. The secretary is required to provide each county clerk that is required to provide multilingual ballot access with a translation in the applicable minority language or languages of all content that is certified to the county clerks by the secretary of state for use by the county clerk in creating the multilingual ballot access.

For the 2021-22 state fiscal year, \$82,800 is appropriated from the department of state cash fund to the department of state for use by the information technology division to implement the act.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**H.B. 21-1071** Municipal elections - use of ranked choice voting in a municipal election conducted as part of a coordinated election - voting system certification - rules. Beginning in 2023, the act allows a municipality to refer a municipal election using instant runoff voting to be conducted as part of a coordinated election. The secretary of state is required to promulgate rules establishing the minimum system requirements and specifications for a

voting system to be used in an election using instant runoff voting by December 31, 2022. After December 31, 2022, a system that has been tested and satisfies the standards promulgated by the secretary of state may be submitted for certification for use in an election using instant runoff voting. If the secretary of state certifies a system, the secretary is required to negotiate and purchase, if possible, a single annual statewide license with the provider to allow each county that uses the voting system to conduct elections using instant runoff voting. Each county that uses a voting system to conduct an instant runoff voting election under a statewide license obtained by the secretary of state is required to pay its share of the cost of the license as a proportion of the total number of counties that used the system that year.

On and after January 1, 2023, a statutory city or town or home rule municipality located in a single county that has taken formal action to conduct an election using instant runoff voting may refer the election to be conducted as part of a coordinated election by providing written notice to the county clerk and recorder. If the county uses a voting system that is certified for use in an election using instant runoff voting, the county clerk and recorder must conduct the election as part of the coordinated election. The municipality referring the election is responsible for any reasonable additional costs the county incurs as a result of conducting an instant runoff voting election, including any licensing costs paid by the county.

On and after July 1, 2026, a municipality located in more than one county may refer an election using instant runoff voting to be conducted as part of a coordinated election by notifying the county clerk and recorder of each county. The counties are required to conduct the election using instant runoff voting only if each county receives timely notice, each county uses a voting system certified for such use, and the data from all the counties' voting systems can be tabulated together in accordance with rules promulgated by the secretary of state for conducting instant runoff elections across multiple counties. The counties and the municipality are required to enter into an agreement for the conduct of the election, which must specify the procedures for the county canvass boards to canvass the election. Each county canvass board is required to certify the abstract of votes cast and provide tabulation data to the designated election office for the municipality in accordance with rules adopted by the secretary of state.

The secretary of state is required to promulgate rules related to instant runoff voting elections including the procedures for conducting logic and accuracy tests and risk limiting audits, and for the tabulation, reporting, and canvassing of results.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**H.B. 21-1092** Ballot access - candidates - eligibility of candidate for lieutenant governor to run for other office. The act allows a person who is nominated as a candidate for an elected office other than the office of United States senator or representative in congress who is also nominated as a candidate for lieutenant governor to run for both offices. If the person wins the election for both offices, the person must accept the office of lieutenant governor and

resign from the other elected office within 7 days of the final certification of the results of both elections. The vacancy created by the resignation is filled in accordance with existing law on vacancies for that office.

A candidate who is nominated for lieutenant governor and for another elected office is required to affirmatively close any candidate committee registered in the person's name for the other office before accepting the nomination for lieutenant governor. The person is prohibited from receiving contributions and making expenditures in support of the person's election to the other office.

**VETOED** by Governor May 7, 2021

**H.B. 21-1321** Initiatives that change districts revenue - ballot information booklet - ballot titles - language requirements. The act requires that certain language appear at the beginning of a ballot title for an initiated measure that would either increase or decrease tax revenue through a tax change.

First, in the case of a measure that would reduce state tax revenue through a tax change, the ballot title must begin "Shall there be a reduction to the (description of tax) by (the percentage by which the tax is reduced in the first full fiscal year that the measure reduces revenue) thereby reducing state revenue, which will reduce funding for state expenditures that include but are not limited to (the three largest areas of program expenditure) by an estimated (projected dollar figure of revenue reduction to the state in the first full fiscal year that the measure reduces revenue) in tax revenue...?". If the ballot measure specifies the public services or programs that are to be reduced by the tax change, those public services or programs must be stated in the ballot title.

Second, in the case of a measure that would reduce local district property tax revenue through a tax change, the ballot title must begin "Shall funding available for counties, school districts, water districts, fire districts, and other districts funded, at least in part, by property taxes be impacted by a reduction of (projected dollar figure of property tax revenue reduction to all districts in the first full fiscal year that the measure reduces revenue) in property tax revenue...?".

Finally, in the case of a measure that would increase tax revenue for any district through a tax change, after the language required by section 20 (3)(c) of article X of the state constitution, the ballot title must state either "in order to increase or improve levels of public services", or, if applicable, "in order to increase or improve levels of public services, including, but not limited to (the program expenditure that the measure states will receive increased funding)".

The act also changes the requirements for the ballot information booklet entry for certain measures. The act requires the ballot information booklet entry for an initiated measure that would increase or decrease income tax revenue or state sales tax revenue to include a table that shows the number of tax filers in designated income categories, the total

tax burden change for each of those income categories, and the average tax burden change for a filer within each of those income categories. If an initiated measure includes a tax change that reduces state tax revenue, the act requires the ballot information booklet to include a description of the 3 largest areas of program expenditure funded by the affected revenue stream.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

## FINANCIAL INSTITUTIONS

**H.B. 21-1293** Banks - appraisers - requirement for certification or licensure - exemption based on property value. Current law requires a bank to use a certified or licensed appraiser when including property in its financial balance sheet unless the property is initially valued at \$250,000 or less. The act deletes the dollar-value limit and changes the exemption to a value consistent with federal requirements and established pursuant to rules of the state banking board.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.



## GENERAL ASSEMBLY

**S.B. 21-198** Legislative audit committee - school capital construction - repeal of annual report requirement. The act repeals a requirement that the state auditor annually report uses of state education fund money for school capital construction to the education committees of the senate and the house of representatives, the legislative audit committee, and the joint budget committee of the general assembly.

**APPROVED** by Governor May 13, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-244** Legislative appropriation - adjustment to funding for general assembly - health benefits for legislative aides. The act amends Senate Bill 21-196, the bill that provides appropriations for the legislative branch for the 2021-22 state fiscal year, to increase the funding for and FTE allocated to the general assembly to allow the general assembly to provide health benefits for legislative aides.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**NOTE:** This act is contingent on Senate Bill 21-196 becoming law. Senate Bill 21-196 was enacted and became law April 26, 2021.

**H.B. 21-1003** Remote participation in legislative proceedings - hearings under the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act - timing. The act authorizes the executive committee of the legislative council (executive committee) to allow electronic participation in legislative proceedings during a declared disaster emergency caused by a public health emergency infecting or exposing a great number of people to disease, agents, toxins, or other such threats, and, if it is allowed, to establish policies governing such electronic participation.

If a member cannot participate electronically from the member's home due to a technological limitation, the member may receive reimbursement for travel expenses to an alternate location to allow the member to participate electronically. The amount of the reimbursement cannot exceed the amount the member would customarily receive for travel expenses to Denver to participate in person. A member is not entitled to reimbursement for any other expenses incurred in connection with electronic participation.

Due to the COVID-19 pandemic, for the first regular session of the seventy-third general assembly, the bill allows joint committees of reference that are required to hold hearings commonly referred to as SMART Act hearings to conduct the hearings at any time after the general assembly convenes, including while the general assembly is temporarily adjourned. Legislators, departments, and the public may participate remotely in accordance

with policies established by the executive committee or the joint rules of the senate and house of representatives.

**APPROVED** by Governor January 20, 2021

**EFFECTIVE** January 20, 2021

**H.B. 21-1077** Legislative oversight committee - tax policy - associated task force. The act creates the legislative oversight committee concerning tax policy (committee) and the associated task force (task force).

The committee is required to annually define in writing, no later than the second meeting of the year, the scope of tax policy to be considered for the committee and the task force. The committee is responsible for considering the policy considerations contained in the tax expenditure evaluations prepared by the state auditor. The committee is responsible for the oversight of the task force. The committee may recommend legislative changes that are treated as bills recommended by an interim legislative committee.

The task force is required to study tax policy within its scope as annually defined by the committee and is required to develop and propose for committee consideration any tax policy and legislative recommendations.

The task force is also authorized, with approval from the committee chair in consultation with the committee vice-chair, to provide evidence-based feedback on the potential benefits or consequences of a legislative or other policy proposal not directly affiliated with or generated by the task force, including any bill or resolution introduced by the general assembly that affects tax policy.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**H.B. 21-1249** Legislative audit committee - transfer of funds for gaming cities - repeal of audit requirement. The act repeals a requirement that the state auditor conduct audits of the portion of the limited gaming fund that is transferred to the state historical fund for the preservation and restoration of the cities of Central, Black Hawk, and Cripple Creek.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## GOVERNMENT - COUNTY

**S.B. 21-70** Registration of businesses. A board of county commissioners is authorized to require the registration of businesses in the unincorporated portions of the county.

**APPROVED** by Governor April 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1047** County commissioner districts - redistricting - policies and procedures. The act establishes the process used by county commissioner redistricting commissions (commissions) to divide counties that have any number of their county commissioners not elected by the voters of the whole county into county commissioner districts. In these counties, the act:

- Recommends the establishment of independent county commissioner redistricting commissions and provides criteria to consider when creating these independent commissions;
- Requires the commissions to hold multiple hearings, either online or throughout the relevant counties, that are broadcast and stored online and comply with state statutes regarding open meetings;
- Requires the commissions to provide the opportunity for public involvement by providing the ability to propose and comment on plans and to testify at commission hearings;
- Prohibits improper communication between a member of a commission and the staff of a commission or a member of an advisory committee;
- Mandates that paid lobbying of the commissions be disclosed to the secretary of state by the lobbyist;
- Establishes prioritized factors for the commissions to use in drawing districts, including federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts;
- Prohibits the commissions from approving a plan if it has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the board of county commissioners, or any political party, and codifies current federal law and related existing federal requirements prohibiting plans drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group;
- Requires the commissions to approve a redistricting plan and specifies the date by which a final plan must be adopted by the board of county commissioners; and
- Specifies that the staff of each commission or an advisory committee will draft no less than 3 plans.

The act allows counties to complete the establishment, revision, or alteration of county commissioner districts by September 30 of the second odd-numbered year following a census, rather than the first odd-numbered year following a census. The act also ensures that, if the redistricting of county commissioner districts excludes the residence of a county commissioner from the district the commissioner represents, the commissioner may continue to hold the office of county commissioner until his or her term expires.

The act aligns the redistricting population data used to establish county commissioner districts with the redistricting population data used to establish congressional districts, state house of representative districts, and state senate districts.

The act also requires that, in a county where any number of county commissioners are not elected by the voters of the whole county and the board of county commissioners refers a measure to the voters of the county to change the method of electing county commissioners, the referred measure must provide at least 2 different methods of electing county commissioners.

Finally, the act repeals anachronistic county precinct size rules and allows county clerk and recorders to redraw precincts less often.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

## GOVERNMENT - LOCAL

**S.B. 21-256** Local authority to regulate firearms - sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory - carrying concealed handguns. The act declares that the regulation of firearms is a matter of state and local concern. A local government is permitted to enact an ordinance, regulation, or other law governing or prohibiting the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory. The ordinance, regulation, or law may not be less restrictive than state law. The local law may only impose a criminal penalty for a violation upon a person who knew or reasonably should have known that the person's conduct was prohibited.

The act permits a local government, including a special district, and the governing board of an institution of higher education to enact an ordinance, resolution, rule, or other regulation that prohibits a permittee from carrying a concealed handgun in a building or specific area within the local government's or governing board's jurisdiction, or for a special district, in a building or specific area under the direct control or management of the district. A local law may only impose a civil penalty for a violation, and the maximum fine that may be imposed for a first offense is \$50.

**APPROVED** by Governor June 19, 2021

**EFFECTIVE** June 19, 2021

**S.B. 21-258** Wildfire mitigation - grant programs - transfers. The act allows the forest service to issue forest restoration and wildfire risk mitigation grants for projects on federal lands, so long as the project maintains continuity across a landscape including federal lands and the area of federal lands does not exceed the combined area of the nonfederal lands involved in the project.

The act increases the amount that the forest service may use for the direct and indirect costs in administering the forest restoration and wildfire risk mitigation grant program from 3% to 7% of any amounts appropriated in any fiscal year.

The act allows for the technical advisory panel that evaluates the proposals for forest restoration and wildfire risk mitigation grants to scale up and down in size.

The act expands the allowable uses of the forest restoration and wildfire risk mitigation grant program by allowing the grant program to fund capacity-building efforts to provide local governments, community groups, and collaborative forestry groups with the resources and staffing necessary to plan and implement forest restoration and wildfire risk mitigation projects, including community and partner outreach and engagement, identifying priority project areas, prescription planning, and acquiring community equipment for use by landowners.

The act allows for the forest service to hire nontemporary additional field capacity to support the implementation and monitoring of fuels mitigation grant awards and wildfire risk mitigation program grant awards and to hire full-time, nontemporary staff for developing,

revising, and implementing community wildfire protection plans and collaborative landscape level prioritization plans; developing and implementing risk mitigation and watershed restoration plans; strengthening the responsible use of prescribed fire; and supporting economically beneficial uses of woody biomass.

The act also creates 2 funds. First, the act creates the wildfire mitigation capacity development fund. Money from the wildfire mitigation capacity development fund is continuously appropriated to the department of natural resources to support a number of wildfire related areas administered by the department. Second, the act creates the hazard mitigation fund to assist local jurisdictions in obtaining the matching funds required for certain federal hazard mitigation grants.

Finally, the act requires the following immediate transfers:

- \$5 million from the general fund to the healthy forests and vibrant communities fund;
- \$2.5 million from the general fund to the wildfire risk mitigation revolving fund for loans issued by the wildfire risk mitigation loan program;
- \$17.5 million from the general fund to the wildfire mitigation capacity development fund;
- \$3 million from the wildfire preparedness fund to the hazard mitigation fund; and
- \$600,000 from the wildfire preparedness fund and \$1.2 million from the Colorado firefighting air corps fund to the wildfire emergency response fund for both the 2020-2021 fiscal year and the 2021-2022 fiscal year.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**H.B. 21-1008** Forest health projects - additional financing options. The act provides additional options for financing forest health projects by authorizing:

- A separate legal entity created by a combination of local governments as authorized by current law to establish special or local improvement districts within the boundaries of the combination and levy special assessments on property specially benefited by improvements, functions, services or facilities, including forest health projects, that the separate legal entity is authorized to provide;
- Counties, municipalities, special districts, water conservancy districts, the Colorado river water conservation district, and the southwestern water conservation district to conduct or participate in and finance forest health projects; and
- Authorizing a forest improvement district to use its sales tax revenue for forest health projects.

The act also adds to the definition of "forest health project" management actions that

improve the ecological health of a forest or reduce the threat of forest disease epidemics or high-intensity wildfires, and postpones the scheduled repeal of the statute that authorizes the Colorado water resources power and development authority to issue bonds to fund watershed protection projects and forest health projects from July 1, 2023, to July 1, 2033.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** May 20, 2021

**H.B. 21-1114** Provision of internet service by school district. With certain exceptions, a local government is currently required to obtain voter approval and meet other requirements before providing internet access (advanced service) to the public. The act specifies that these requirements do not apply to a school district or board of cooperative services providing advanced service that enables students, teachers, and staff members of the district to access a school-owned and operated network to facilitate remote learning.

**APPROVED** by Governor May 18, 2021

**EFFECTIVE** May 18, 2021

**H.B. 21-1117** County and municipal land use powers - authority to regulate development or redevelopment in order to promote the construction of new affordable housing units - state's rent control statute inapplicable to land use regulation restricting rents on new units where regulation gives choice of options to property owner or land developer and creates alternatives to the construction of new affordable housing on the building site - required action by local governments as a condition of exercising new regulatory authority. The act clarifies that the existing authority of cities and counties to plan for and regulate the use of land includes the authority to regulate development or redevelopment in order to promote the construction of new affordable housing units. The provisions of the state's rent control statute do not apply to any land use regulation that restricts rents on newly constructed or redeveloped housing units as long as the regulation provides a choice of options to the property owner or land developer and creates one or more alternatives to the construction of new affordable housing units on the building site. The act also states that it should not be construed to authorize a local government to adopt or enforce any ordinance or regulation that would have the effect of controlling rent on any existing private residential housing unit in violation of the existing statutory prohibition on rent control.

The act prohibits a local government from exercising this new regulatory authority unless the local government demonstrates, at the time it enacts a land use regulation for the purpose of exercising such authority, it has taken one or more among a list of specified actions to increase the overall number and density of housing units within its jurisdictional boundaries or to promote or create incentives to the construction of affordable housing units.

The act requires the department of local affairs to offer guidance to assist local governments in connection with its implementation.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1168** Local government procurement - identification of barriers to entry for historically underutilized businesses - pilot program. The act requires the department of local affairs (department), no later than August 13, 2021, to establish a pilot program to help local governments identify perceptual and substantial barriers to entry for historically underutilized businesses in local government procurement.

The act requires local governments participating in the pilot program to consider a number of items, such as:

- Identifying implementation needs, such as labor and technology, for historically underutilized businesses preference programs for local government procurement (programs);
- Determining the appropriate size contracts that would benefit from a program; and
- Creating a sample program that all local governments may use and articulate the necessary steps to build a program.

The act specifies that pilot program participants may collaborate with the department and the general assembly on future legislation requiring local governments to establish programs.

In January 2022, the department is required to report on the progress of the pilot program as part of the department's presentation to its committee of reference at a hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

In January 2023, the department is required to include the findings of the pilot program as part of the department's presentation to its committee of reference at a hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

The act defines a historically underutilized business as a business that is at least 51% owned and controlled, in both the management and day-to-day business decisions, by one or more individuals who are:

- Members of a racial or ethnic minority group;
- Non-Hispanic Caucasian women;
- Persons with physical or mental disabilities;
- Members of the lesbian, gay, bisexual, and transgender community; or
- Veterans.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** June 7, 2021



**H.B. 21-1253** Renewable and clean energy infrastructure implementation projects - grants - appropriation. The act transfers \$5 million from the general fund to the local government severance tax fund for the purpose of funding grants to local governments for renewable and clean energy infrastructure implementation projects. The grants must be made by August 15, 2021, or as soon as possible thereafter, and the department of local affairs, which makes the grants, is required to report to the general assembly regarding the grants during its 2022 annual "SMART Act" presentation to legislative committees of reference. \$5 million is appropriated from the local government severance tax fund to the division of local government of the department of local affairs for state fiscal year 2020-21 so that the division can make the grants, and any of the money not expended before July 1, 2021, is further appropriated to the division for the 2021-22 and 2022-23 state fiscal years for the same purpose.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

## GOVERNMENT - SPECIAL DISTRICTS

**S.B. 21-160** Elections - administrative clarifications. The act makes the following changes to the local government and special district election codes:

- Revises statutory citations to clarify that the Colorado local government election code is the portion of the election code applicable to special district elections;
- Provides additional statutory citations to specify all instances in which a county assessor provides a list of property owners for an election;
- Clarifies that, when computing time for any designated period of days for a local government election, the first day from which the period of days runs is excluded and the last day from which the period of days runs is included;
- Specifies that the candidate self-nomination form for special district elections must contain the county where the special district is located;
- Clarifies that a candidate's and witness's respective addresses and telephone numbers and a candidate's current e-mail address need to be provided but do not need to be printed by the candidate and witness on the self-nomination form for special district elections;
- Clarifies the procedures for reviewing and verifying a self-nomination form and curing any insufficiencies; and
- Clarifies that local government ballots may be automatically sent to eligible electors who are qualified under contracts to purchase taxable property.

The board of directors of a special district currently consists of 5 or 7 directors elected at large. The act provides a process for dividing a special district into separate director districts and for members to be elected from each director district at large or by the electors within each director district.

**APPROVED** by Governor May 13, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-238** Front range passenger rail district - creation - boundaries - powers and duties - replacement of southwest chief and front range passenger rail commission. The act creates the front range passenger rail district (district) for the purpose of planning, designing, developing, financing, constructing, operating, and maintaining an interconnected passenger rail system (system) along the front range. The district is specifically required to work collaboratively with the regional transportation district (RTD) to ensure interconnectivity with any passenger rail system operated by or for the RTD and with Amtrak on interconnectivity with Amtrak's Southwest Chief, California Zephyr, and Winter Park Express trains, including but not limited to rerouting of the Amtrak Southwest Chief passenger train. The district must also coordinate with the department of transportation (CDOT) to ensure that any system is well-integrated into the state's multimodal transportation

system and does not impair the efficiency or safety of or otherwise adversely affect existing transportation infrastructure or operations. If deemed appropriate by the board of directors of the district and by the board of directors of RTD, the district may share with RTD capital costs associated with shared use of rail line infrastructure in the northwest rail line corridor for passenger train service.

The area that comprises the district extends from Wyoming to New Mexico and includes:

- The entirety of the city and county of Broomfield and the city and county of Denver;
- All areas within Adams, Arapahoe, Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, Las Animas, Pueblo, and Weld counties that are located within the territory of a metropolitan planning organization (MPO);
- All areas within Huerfano, Las Animas, and Pueblo counties that are not located within the territory of a MPO and are located within a county precinct that is located wholly or partly within 5 miles of the public right-of-way of interstate highway 25; and
- All areas within Larimer and Weld counties that are not located within the territory of a MPO and are located within a county precinct that is north of the city of Fort Collins and is located wholly or partly within 5 miles of the public right-of-way of interstate highway 25.

The district is governed by a board of directors composed of:

- 10 appointees of transportation planning organizations that have jurisdiction within the territory of the district as follows:
  - 4 appointees appointed by each metropolitan planning organization (MPO) that represents more than 1,500,000 residents in the district; except that any city and county or municipality that has 55% or more of the MPO's territory shall appoint one of the 4 directors that would otherwise be appointed by the MPO;
  - 2 appointees from each metropolitan planning organization (MPO) that represents more than 500,000 but fewer than 1,000,000 residents in the district; except that any city and county or municipality that has 55% or more of the MPO's territory shall appoint one of the 2 directors that would otherwise be appointed by the MPO;
  - One appointee appointed by the Pueblo area council of governments; and
  - One appointee appointed by the south central council of governments.
- 6 appointees appointed by the governor subject to confirmation by the senate who must collectively have professional experience or expertise in specified areas;
- One appointee appointed by the executive director of CDOT;
- One nonvoting representative of RTD;
- One nonvoting representative appointed by the I-70 mountain corridor

- coalition, or any successor entity to the coalition; and
- If the respective governors and chief executive officers choose to make appointments, nonvoting representatives of the BNSF Railway, the Union Pacific Railroad, Amtrak, and communities in Wyoming and New Mexico.

In addition to the professional experience or expertise requirements, at least one of the directors appointed by the governor must be a resident of a county, city and county, or municipality through which light or commuter rail was planned as part of RTD's voter-approved Fastracks program. Each director appointed by a transportation planning organization must be or have been a member of the board of directors of the appointing authority and must represent or have represented a member jurisdiction of the appointing authority that is wholly or partly included within the district. The board must be fully appointed by April 1, 2022, with an earlier appointment deadline for some appointees. The board must convene for its initial meeting not later than May 15, 2022. The existing southwest chief and front range passenger rail commission is terminated, effective July 1, 2022, and any remaining commission funds are transferred to the district no later than July 1, 2022.

The district is authorized to exercise the powers necessary to plan, design, develop, finance, construct, operate, and maintain the system including but not limited to:

- The power, subject to the approval of the voters of the district and other specified limitations, to levy a sales and use tax, to exercise specified taxing authority common to special districts within the district, and to issue bonds. Before submitting a ballot question to establish any district tax, the district must publish a proposed services development plan, an operating plan, and a detailed financing plan, certify that it has made every reasonable effort to secure federal funding for the system, and approve the submission of the question by an affirmative vote of two-thirds of all voting directors of the board.
- The power, subject to the approval of the owners of property within a 2-mile radius of any existing or proposed passenger rail station, to create a station area improvement district with the authority to levy additional sales and use tax, special assessments on real property, or both, to cover the costs of construction, operation, and maintenance of the station;
- The power to enter into public-private partnerships; and
- The power to employ its own personnel or contract with public or private entities, or both, for the operation and maintenance of the system.

The district must publish and present a comprehensive annual report to the legislative committees with jurisdiction over transportation and each transportation planning organization that appoints directors to the district board. If the district levies a tax, the state auditor must conduct a biennial district-funded audit of the district.

**APPROVED** by Governor June 30, 2021

**PORTIONS EFFECTIVE** June 30, 2021  
**PORTIONS EFFECTIVE** May 15, 2022

**S.B. 21-262** Notice of a call for nomination for special district elections - required information on websites of metropolitan districts - special district annual reports - exercise of eminent domain powers by metropolitan districts - disclosure by owners to purchasers of real property including newly constructed residences within metropolitan districts of information relating to the finances of the district. The act makes various changes to statutory provisions to promote transparency for special districts. Specifically:

- Under current law, the designated election official is required to provide notice by publication of a call for nominations for a regular local government election. Except for metropolitan districts organized after January 1, 2000, the act requires that notice be made exclusively by publication and by any one of 4 additional means.
- In the case of any metropolitan district that was organized after January 1, 2000, the act requires the notice of the call for nominations to be made by emailing the notice to each active registered elector of the metropolitan district as specified in the registration list provided by the county clerk and recorder as of the date that is 150 days prior to the date of the regular local government election. Where the active registered elector does not have an e-mail address on file for such purpose with the county clerk and recorder as of that date, the public notice must be made by mailing the notice, at the lowest cost option, to each address at which one or more active registered electors of the metropolitan district resides as specified in the registration list provided by the county clerk and recorder as of that date.
- In addition to the means of providing public notice of the call for nominations that is required under the act, the designated election official must also provide public notice by any one of 4 alternate means specified in the act;
- The act exempts inactive special districts from new requirements under the act concerning maintenance of a district's website and a district's annual report;
- The act requires a metropolitan district, by a certain date, to establish, maintain, and annually update an official website in a form that is readily accessible to the public that contains information that is specified in the act;
- The act adds to existing statutory requirements regarding the annual report to be filed by a special district and, among other things, supplements the type of information to be included in the annual report;
- The act prohibits a metropolitan district from exercising its power of dominant eminent domain within a municipality or the unincorporated area of a county, other than within the boundaries of the jurisdiction that approved its service plan, without a written resolution approving the exercise of dominant eminent domain by the governing body of the municipality in connection with property that is located within an incorporated area or by the board of county commissioners of the county in connection with property that is located within an unincorporated area; and
- The act requires, on and after January 1, 2022, each owner of real property that sells real property that includes a newly constructed residence that is located within a metropolitan district, concurrently with or prior to the execution of a

contract to sell the property, to provide to the purchaser of the property certain information or statements specified in the act relating to the finances of the metropolitan district, including information about the debt obligations of the district and an estimate of property taxes applicable to the property at the time of the sale.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1278 Meetings - location - notice.** The act clarifies what qualifies as a meeting and a location for purposes of the meeting of a board of a special district. The act also prohibits a challenge to the method of conducting any special district board meeting that was held virtually before the effective date of the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

## GOVERNMENT - STATE

**S.B. 21-1** COVID-19 relief programs - small businesses - disproportionately impacted businesses. The act moves the COVID-19 relief program for minority-owned businesses from the minority business office to the Colorado office of economic development and expands the scope of the program to allow relief payments, grants, loans, and technical assistance and consulting support to small businesses disproportionately impacted by the COVID-19 pandemic.

Additionally, the act extends the deadlines for allocating and distributing relief payments under the small business relief program.

**APPROVED** by Governor January 21, 2021

**EFFECTIVE** January 21, 2021

**S.B. 21-4** Real property - legislative jurisdictions - Colorado and the United States - United States Army Pueblo chemical depot. The act creates concurrent legislative jurisdiction between the state of Colorado and the United States over specified real property constituting the United States Army Pueblo chemical depot.

**APPROVED** by Governor April 20, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-12** Public safety - fire prevention and control - wildland fire services - employment opportunities. In general, current law provides that a felony conviction or other offense involving moral turpitude does not, in and of itself, prevent a person from applying for or obtaining public employment. The act extends this to persons applying to positions within the wildland fire management section in the department of public safety.

The act requires the division of fire prevention and control (division) to develop materials to increase awareness of wildland fire career opportunities for persons who acquired experience in wildland fire services through the inmate disaster relief program (program).

The act states that the division is encouraged to hire persons who acquired experience in the program for positions performing wildland fire services.

The act requires the division to develop and implement a peer mentor program for persons hired who acquired experience in wildland fire services through the program so those persons may develop and sustain professional skills.

The act requires the wildfire matters review committee to review, and permits the committee to propose, legislation or other policy changes relating to maximizing the

utilization of wildland fire services through the inmate disaster relief program and to creating wildland fire career opportunities for persons who acquire experience in wildland fire services through the inmate disaster relief program.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** April 15, 2021

**S.B. 21-24** State holidays - commemorative holiday. The act designates March 30 as "Welcome Home Vietnam Veterans Day", a commemorative state holiday, and allows for appropriate observance by the public and in all public schools in tribute to the service and sacrifice of Vietnam veterans.

**APPROVED** by Governor March 30, 2021

**EFFECTIVE** March 30, 2021

**S.B. 21-55** State debt collection - repeal central collection services section - decentralized collections by state agencies. The act repeals the central collection services section (CSS) in the division of finance procurement in the department of personnel, which section was the centralized collection agency for state debts of many state agencies. Thereafter, all state agencies will be responsible for collecting their own debts. The act modifies the collection of state debts by:

- Repealing CSS and specifying that each state agency is responsible for collecting debts owed to it;
- Shifting rule-making responsibility related to debt collection from the executive director of the department of personnel to the state controller (controller);
- Permitting a state agency to certify a debt to the department of revenue, so that the department may deduct the debt from a state tax refund or lottery winnings;
- Permitting a state agency to certify a debt to the registry operator under the "Gaming Payment Intercept Act", so that the registry operator may deduct the debt from limited gaming winnings;
- Permitting a state agency to refer a debt to a private counsel or private collection agency;
- Requiring the controller to include in the fiscal rules requirements for a state agency to refer a debt to private counsel or a private collection agency or to certify a debt to the department of revenue;
- Eliminating the ability of the state to collect a debt on behalf of a political subdivision;
- Repealing the requirement that there be written notice and an opportunity for a hearing prior to a tax refund offset being implemented;
- Eliminating the controller and state treasurer's authority to write off a debt due to the state, so that they only have authority to release or compromise such a debt;
- Transferring the balance in the debt collection fund to the general fund and then repealing the fund;



- Authorizing the controller to determine the priority of debts for which amounts will be withheld from disbursements, instead of requiring a pro rata distribution, which cannot be done with decentralized debt collection;
- Repealing the vendor offset implementation fund, which currently has no balance;
- Repealing the requirement that the controller establish performance policies and standards for measuring a state agency's debt collection;
- Repealing the controller's debt collection fee;
- Requiring the controller, without consultation of others, to select the private counsel or private collection agencies, instead of the executive director of the department of personnel with consultation of others;
- Eliminating specification for applying a court-ordered award that is insufficient to cover a state debt, so that such disposition is left to the court order;
- Repealing a written notice to debtors that specifies the amount of the debt, including the itemization of any fees, and the name of the creditor to whom the debt is owed; and
- Repealing the authority for the department of personnel to enter into a reciprocal agreement with the United States government or another state to offset debts and allowing the department of revenue to enter into such reciprocal agreements.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-60** American Rescue Plan Act - broadband deployment - reimbursement program - access to broadband service - income-eligible households - critically underserved areas - third-party contract - reporting - repeal. The act requires that the Colorado broadband office (office), on or before January 1, 2022, contract with a nonprofit organization to develop a program to reimburse certain income-eligible households and households in critically underserved areas of the state for their costs to access broadband service. An eligible household may receive reimbursement for up to one-half of its costs for broadband service, not to exceed \$600 per year.

The office and the nonprofit organization with which it contracts may use up to \$5 million of the federal "American Rescue Plan Act of 2021" money transferred to the digital inclusion grant program fund pursuant to House Bill 21-1289, concerning broadband deployment, for the reimbursement program. All of the money for the reimbursement program must be obligated by December 31, 2024, and the act repeals on September 1, 2026. If the office does not find a nonprofit organization with which to contract, the reimbursement program will not be implemented and the office shall use the money allocated for implementation of the reimbursement program to award additional grants for telehealth services.

On or before February 1, 2022, and on or before each February 1 thereafter, the office is required to submit a written report to the governor and the legislative joint budget and joint

technology committees about the office's implementation of the reimbursement program.

**APPROVED** by Governor June 27, 2021

**EFFECTIVE** June 27, 2021

**Note:** The act is contingent on House Bill 21-1289 and Senate Bill 21-291 becoming law. House Bill 21-1289 was approved by the governor on June 28, 2021, and Senate Bill 21-291 was approved by the governor on June 21, 2021.

**S.B. 21-99** Disability support - license plate auctions - Laura Hershey disability support act - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies in its sunset review and report on the "Laura Hershey Disability Support Act" by continuing the act for 5 years, until 2026. This continues the Colorado disability funding committee, which auctions motor vehicle license plate numbers to raise money to aid persons with disabilities in accessing disability benefits.

**APPROVED** by Governor May 6, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-107** Parental rights for persons with disabilities. In honor and memory of Carrie Ann Lucas, the act names section 24-34-805 of the Colorado Revised Statutes the "Carrie Ann Lucas Parental Rights for People with Disabilities Act".

**APPROVED** by Governor April 26, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-110** Safe revitalization of main streets - funding. \$30 million is transferred from the general fund to the state highway fund to provide additional funding for the department of transportation's revitalizing main streets and safer main streets programs.

**APPROVED** by Governor March 19, 2021

**EFFECTIVE** March 19, 2021

**S.B. 21-112** Capital construction - transfer from general fund to capital construction fund - capital projects at state parks. The act transfers a total of \$20 million from the general fund to the capital construction fund in the 2020-21 state fiscal year for single-phase projects at 12 state parks.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-113** Transfer of money from general fund to Colorado firefighting air corps fund - purchase of fire hawk helicopter - leasing of other aviation resources for wildfire mitigation

- use of wildfire emergency preparedness fund to support wildfire suppression assistance.  
The act directs the state treasurer to transfer \$30,800,000 from the general fund to the Colorado firefighting air corps fund to support the following purposes:

- The purchase by the division of fire prevention and control (division) in the department of public safety of a fire hawk helicopter (helicopter) configured for wildfire mitigation; and
- The leasing by the division of a type 1 helicopter or other available and appropriate aviation resource configured for wildfire mitigation in advance of the 2021 wildfire season and for the operational costs associated with the leased and purchased aviation resources.

In addition to any other purpose for the use of money in the wildfire emergency preparedness fund (WEPF), the act permits the division of fire prevention and control in the department of public safety to use money in the WEPF to provide wildfire suppression assistance to county sheriffs, municipal fire departments, or fire protection districts throughout the state at no cost to such entities pursuant to annual guidelines published by the division in the wildfire preparedness plan.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-121** Revised Uniform Unclaimed Property Act - financial organization loyalty card - presumption of abandonment for deposits - administrator reporting of last-known address.  
The act defines and exempts a financial organization loyalty card from the property that is subject to the "Revised Uniform Unclaimed Property Act". The act also repeals the presumption of abandonment in the act that took effect on July 1, 2020, for demand, savings, or time deposits with a financial organization, and replaces it by reenacting the similar version that was in effect prior to July 1, 2020, which has the same 5-year period for property to be presumed abandoned but has different owner activities that rebut the presumption of abandonment. The act also delays the time that a financial organization is required to deliver this property to the administrator if a penalty or forfeiture in the payment of interest would result from the delivery of the property. With respect to the administrator's reporting of information about an apparent owner, the act:

- Repeals the requirement that the administrator's record of persons, which includes the apparent owner's name and last-known address, be available for inspection; and
- Repeals the administrator's authority to identify the physical address of an apparent owner in published notices and on the website.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** April 15, 2021

**S.B. 21-131** Personal identifying information - limitations on collection and sharing of information by state agencies - access to agency records - record keeping and reporting - data

breaches. The act specifies measures in several categories to protect personal identifying information (PII) kept by state agencies.

**Limitations on PII shared by state agencies:** A state agency employee is prohibited from disclosing or making accessible PII that is not available to the public for the purpose of investigating for, participating in, cooperating with, or assisting in federal immigration enforcement, except as required by federal or state law or as required to comply with a court-issued subpoena, warrant, or order. The department of revenue is prohibited from sharing motor vehicle records with law enforcement agencies and other government agencies if the information is to be used for the purpose of investigating for or assisting in federal immigration enforcement, except as required by federal or state law or as required to comply with a court-issued subpoena, warrant, or order.

**Reduction of PII collected by state agencies:** Beginning January 1, 2022, a state agency employee is prohibited from inquiring into, or requesting information or documents to ascertain, a person's immigration status for the purpose of identifying if the person has complied with federal immigration laws except as required by state or federal law or as necessary to perform state agency duties, or to verify a person's eligibility for a government-funded program for housing or economic development if verification is a condition of the government funding.

In addition, beginning January 1, 2022, a state agency shall not collect data regarding a person's place of birth, immigration or citizenship status, or information from passports, permanent resident cards, alien registration cards, or employment authorization documents, except as required by state or federal law or as necessary to perform state agency duties, or to verify a person's eligibility for a government-funded program for housing or economic development if verification is a condition of the government funding.

**Access to state agency records:** Beginning January 1, 2022, to be granted access to PII through a database or automated network maintained by a state agency that is not otherwise available to the public, a third party must have, within the past year, certified under penalty of perjury that the third party will not use or disclose PII obtained for the purpose of investigating for, participating in, cooperating with, or assisting in federal immigration enforcement, unless required by federal or state law or to comply with a court-issued subpoena, warrant, or order that is not related to prosecution for a violation of specified provisions of federal immigration law. The attorney general's office is required to create a model certification form and provide it to state agencies.

**Record keeping and reporting:** The act specifies what a request for records includes and does not include for purposes of the act. Beginning January 1, 2022, if a third party requests a record from a state agency and the record contains PII, the state agency is required to retain a written record of the request that contains specified information (written record).

Beginning January 1, 2022, and on a quarterly basis thereafter, the state agency is required to provide the information contained in the written record to the governor's office of legal counsel and to attest that no request was granted for any purpose prohibited by the

act. On March 1, 2022, and on a quarterly basis thereafter, the governor's office is required to provide a report to the joint budget committee of the general assembly containing quarterly and year-to-date summaries of the information provided by state agencies in the written record.

For a request made by a third party through the Colorado driver's license, record, identification, and vehicle enterprise solution, if the department of revenue is unable to gather the information for the written record because doing so would require technology or programming changes outside the department's control, the department is required to continue to allow access to the information if access is required by state or federal law or is a condition of receiving federal or state funding. The department of revenue is required to submit quarterly reports including the identity of the third party, the reason for the inability to collect the written record, and an attestation that the department of revenue and third party have met the other applicable requirements of the act.

**Data privacy breaches:** Any state agency employee who intentionally violates the provisions of the act is subject to an injunction and is liable for a civil penalty of not more than \$50,000 for each violation.

The act includes an identification document issued to an individual who is not lawfully present in the United States in the list of records that the department of revenue shall not allow a person to inspect pursuant to the "Colorado Open Records Act". In addition, the act specifies that the provisions of the act are included in the laws that the department of revenue is required to follow when releasing records for public inspection.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**S.B. 21-141** Statewide internet portal authority - internet portal development - internet portal integrator - competitive solicitation methods. The responsibilities of the statewide internet portal authority (SIPA) include developing the officially recognized statewide internet portal, entering into a contract with a statewide internet portal integrator for the development, support, maintenance, and enhancement of the equipment and systems used for the statewide internet portal, and providing appropriate administration and oversight of the statewide internet portal integrator. Current law specifies that SIPA may not enter into a contract with a statewide portal integrator unless the statewide portal integrator was chosen by the authority pursuant to a request for proposals.

The act retains the requirement for a competitive solicitation for the contract with the statewide portal integrator, but authorizes competitive solicitation methods other than a request for proposals, including the invitation to negotiate.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** April 15, 2021

**S.B. 21-144** Homeland security and all-hazards senior advisory committee - continuation under sunset law. The act continues the homeland security and all-hazards senior advisory committee until September 1, 2031.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-148** Financial empowerment office - creation - duties - council. The act creates the financial empowerment office (office) and the director of the office (director) in the department of law to grow the financial resilience and well-being of Coloradans through specified community-derived goals and strategies. The director is appointed by the attorney general and may hire staff as necessary to perform the duties and functions of the office. The office also consists of a manager who is appointed by the director.

The office is authorized to partner with governmental bodies, community organizations, financial institutions, local service providers, philanthropic organizations, and other organizations as necessary to achieve the purposes of the office. The office is also authorized to develop or promote new or existing:

- Methods to increase access to safe and affordable financial products;
- Tools and resources that advance, increase, and improve Colorado residents' financial management;
- Community-informed strategies that dismantle systemic barriers to building ownership and wealth for all, especially low-income communities and communities of color; and
- Tools that promote financial stability such as those that assist with service navigation, eviction avoidance, or connections to income supports.

The financial empowerment office is required to:

- Support the organization of community efforts to define and lead financial resilience strategies;
- Align, support, and build ties to build financial education and well-being in communities across the state;
- Establish a council to assist the director;
- Work with stakeholders to increase access to safe and affordable credit-building loans and financial products and to identify products and practices that may undermine financial stability;
- Develop technical assistance to launch or expand local financial coaching and counseling efforts;
- Raise money to support coaching, safe and affordable banking, and potential loan funds; and
- Track community feedback on consumer financial abuses.

The department of law is required to report on affordable banking access in Colorado and other specified information as part of its presentation under the "State Measurement for

Accountable, Responsive, and Transparent (SMART) Government Act".

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** July 1, 2021

**S.B. 21-155** Limited gaming - limited gaming control commission - membership - registered electors from Gilpin and Teller counties. The limited gaming control commission consists of 5 members, 4 of whom are from specified professions and industries and one of whom is a registered elector of the state who is not employed in one of the specified professions or industries. The act requires the governor to prioritize appointing members who are registered electors of Gilpin county or Teller county and allows the registered elector members of the commission from Gilpin and Teller County to be employed in one of the specified professions or industries.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-166** 2020 Colorado Fire Commission Annual Report - implementation of recommendations - updating mutual aid statutes - establishment of regional and statewide mutual aid system - implementation of Colorado coordinated regional mutual aid system - coordination of state agencies for resources mobilization plan and emergency operations plans. The act implements recommendations of the 2020 Colorado Fire Commission Annual Report.

The act updates 3 mutual aid statutes affecting the responsibilities of requesting and assisting fire control. Under current statutory provisions, all resources from an agency assisting in fire prevention are under the control of the requesting agency and liability is placed with the requesting agency. Under the changes made by the act, the assisting agency, working under the direction of the incident commander, retains operational control of its resources and, therefore, retains liability for the actions of its crews. The act incorporates the term "emergency responder" to categorize the different agencies assisting in fire prevention.

The regional and statewide mutual aid system (RSMAS) is a regional and statewide system that provides for the coordinated initial response of emergency responders to emergency incidents. The act establishes the RSMAS to be administered by the division of fire prevention and control (division) in the department of public safety.

The director of the division is required to establish, implement, and maintain the RSMAS. Among the duties of the director in administering the RSMAS is implementing the Colorado coordinated regional mutual aid system (CCRMAS). The CCRMAS establishes geographic areas within the state to be known as division of fire prevention and control (DFPC) districts. Each DFPC district has a regional mutual aid coordinator, whose duties include ensuring that a competent mutual aid plan exists in each DFPC district and who

serves as the point of contact within the DFPC district and coordinates mutual aid requests for fire and EMS resources. The act specifies the duties of each regional mutual aid coordinator and of the director of the division with respect to administration of the RSMAS and CCRMAS overall.

Unless an emergency responder has opted out of the RSMAS and CCRMAS, all emergency responders are part of the RSMAS and CCRMAS. An emergency responder is relieved from any duty to make its equipment and personnel available to the RSMAS and CCRMAS under circumstances specified in the act. An emergency responder that opts out of the RSMAS and CCRMAS is only eligible for reimbursement to the extent authorized in the rules promulgated by the director of the division.

The RSMAS and CCRMAS do not affect any other mutual aid agreement that may be entered into by one or more emergency responders.

The act mandates consultation between the director of the office of emergency management (OEM) and the director of the division of fire prevention and control with respect to the CCRMAS. The act requires the director of the OEM to ensure that resources in the CCRMAS are included in the all-hazards resource mobilization system. The director of the OEM is also required to coordinate with the state coordination center to ensure sufficient and effective implementation and integration of the state resources mobilization plan and state and local emergency operations plans.

At the end of any state fiscal year commencing with the 2022 state fiscal year, the act requires the state treasurer to transfer any money in the aviation resources line of the annual general appropriation act for that same state fiscal year that would otherwise revert to the general fund into the wildfire preparedness fund (WPF). Money transferred by the state treasurer into the WPF must be used for the purpose of traditional mitigation efforts. As long as money transferred into the WPF is being expended for one of the purposes specified in the act, the division may allocate the money to any such purpose as will maximize the impact of such funding as the division may determine in its sole discretion.

Not less than once every 3 years commencing January 15, 2025, the division is required to report to the joint budget committee concerning its expenditures from the transfers made into the WPF under the act.

The act appropriates \$1,108,800 from the general fund to the department of public safety for the 2021-22 state fiscal year for its implementation.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** June 22, 2021

**S.B. 21-178** Care subfund - extend expenditure and appropriation deadlines. The act extends expenditure or appropriation deadlines from December 30, 2020, to December 31, 2021, for the following programs for which the departments have not yet expended all of their appropriation from the care subfund:



- Eviction legal assistance;
- Human services referral services;
- Low-income energy assistance;
- Behavioral health services;
- Immunization operating expenses; and
- Local public health agencies in rural areas.

In some cases, related program repeal deadlines are also extended.

The act also extends the exclusion of the care subfund expenditures from the calculation of the general fund reserve and delays a transfer of any unused money from the care subfund to the unemployment compensation fund from December 30, 2020, to December 31, 2021.

**APPROVED** by Governor May 13, 2021

**EFFECTIVE** May 13, 2021

**S.B. 21-199** State government - eligibility for public opportunities - no verification of lawful presence - appropriation. The act states that, upon passage of the act, verification of lawful presence in the United States is not required for any purpose that lawful presence is not required by law, ordinance, or rule to receive benefits pursuant to a federal stimulus law or rule.

Effective July 1, 2022, the act repeals current laws that require a person to demonstrate the person's lawful presence in the United States to be eligible for certain public benefits and states that lawful presence is not a requirement of eligibility for state or local public benefits, as defined by 8 U.S.C. sec. 1621.

The act amends certain statutory provisions to clarify acceptable documents to demonstrate eligibility.

Current law prohibits a state agency or political subdivision from entering into or renewing a public contract with a contractor who knowingly employs or contracts persons who are undocumented. The act repeals that requirement and associated statutory provisions.

The act appropriates:

- \$178,627 to the department of human services to implement the act. \$47,768 is from the general fund and \$130,859 is from the federal child care development funds; and
- \$83,881 from the general fund to the department of revenue for use by the taxation business group to implement the act.

**APPROVED** by Governor June 25, 2021

**PORTIONS EFFECTIVE** June 25, 2021  
**PORTIONS EFFECTIVE** July 1, 2022

**S.B. 21-204** Rural economic development initiative grant program - appropriation - continuation of "Rural Economic Advancement of Colorado Towns (REACT) Act". The act appropriates \$5 million to the department of local affairs (department) to use for the rural economic development initiative (REDI) grant program, and permits the department to use up to 3.75% of the appropriation for any direct and indirect administrative expenses related to the grants awarded from the appropriation.

If the department determines that a rural community needs resources or assistance because it has been impacted by a significant economic event or an anticipated event that has been announced, the department may use all or a portion of the money appropriated for the REDI grant program for the purposes of the "Rural Economic Advancement of Colorado Towns (REACT) Act". The act repeals the sunset of the REACT Act.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**S.B. 21-207** Transfer - from marijuana tax cash fund to public school capital construction assistance fund. On June 1, 2022, the state treasurer is required to transfer \$100 million from the marijuana tax cash fund to the public school capital construction assistance fund (BEST fund).

**APPROVED** by Governor April 30, 2021

**EFFECTIVE** April 30, 2021

**S.B. 21-208** General fund - transfer to state education fund. The act requires the state treasurer to transfer \$100 million from the general fund to the state education fund on July 1, 2021.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-209** Transfers to general fund from repealed cash funds. The economic gardening pilot project, which was administered by the office of economic development and international trade, was created in 2013 and repealed on July 1, 2017. At the time of the repeal, there was money remaining in the related economic gardening pilot project fund. Additionally, the public school energy efficiency fund was created in 2007 and repealed on July 1, 2017. At the time of the repeal, there was money remaining in the fund.

On July 1, 2021, the act requires the state treasurer to transfer to the general fund the money from the repealed cash funds and any related interest and income.

**APPROVED** by Governor April 30, 2021

**EFFECTIVE** April 30, 2021

**S.B. 21-219** State highway fund - appropriation to department of natural resources - continuous appropriation for the highway avalanche safety program. All money in the

Colorado avalanche information center fund (CAIC fund) has been subject to annual appropriation by the general assembly to the department of natural resources (DNR) for the direct and indirect costs associated with the Colorado avalanche information center (CAIC). Pursuant to an intergovernmental agreement between the DNR and the Colorado department of transportation (CDOT), state highway fund money that is continuously appropriated to CDOT is credited to the CAIC fund to provide funding to the CAIC for work associated with the highway avalanche safety program that reduces avalanche risk on state highways. Beginning with state fiscal year 2021-22, the act continuously appropriates to the DNR for CAIC's costs associated with the highway avalanche safety program all money that is credited to the CAIC fund from the state highway fund and all interest or income derived from the deposit and investment of that money.

**APPROVED** by Governor April 30, 2021

**EFFECTIVE** April 30, 2021

**S.B. 21-220** Transfers to severance tax operational fund from cash funds that support grant programs. To avoid a fund deficit in the severance tax operational fund, the act reverses 5 transfers made from the fund to other cash funds after the fiscal year 2019-20. Specifically, the state treasurer is required to transfer the following amounts to the fund:

- \$1,998,205 from the species conservation trust fund;
- \$1,600,964 from the parks and wildlife aquatic nuisance species fund;
- \$219,803 from the water efficiency grant program cash fund;
- \$297,759 from the interbasin compact committee operation fund; and
- \$3,996,410 from the water supply reserve fund.

**APPROVED** by Governor April 30, 2021

**EFFECTIVE** April 30, 2021

**S.B. 21-221** State forest service - forest restoration and wildfire risk mitigation grant program - modifications to grant limit and project requirements. The act removes the \$1 million limit for the grant share of individual projects under the forest restoration and wildfire risk mitigation grant program (program). The act also adds a requirement that when the technical advisory panel (panel) considers hazardous fuel reduction projects for the program, the panel shows preference to applicants that are adopting local measures that reduce wildfire risks to people, property, and infrastructure that complement funds provided through the program.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-222** State recovery audit program - appropriation - repeal. The act repeals the state recovery audit program, effective July 1, 2022, and reduces the state fiscal year 2021-22 general fund appropriation to the department of personnel for use by financial operations and reporting for personal services by \$64,714 and the related FTE by 1.0 FTE.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-223** Department of revenue - administrative hearings - location of hearings. The act allows a department of revenue administrative hearing to be held at a location designated by the executive director in either Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, or Jefferson county, or, at the election of the taxpayer, by video conference. The act also specifies that if the taxpayer resides or has their principle place of business in Colorado and the disputed deficiency is either \$200 or less, or involves sales and use taxes regardless of the amount, then the hearing may be held, at the election of the taxpayer, in the district office of the department nearest to the place where the taxpayer resides or has their principal place of business in Colorado.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-224** Capital-related transfers of money. For the 2021-22 state fiscal year, the act transfers:

- \$191,289,178 from the general fund to the capital construction fund;
- \$110,000,000 from the general fund to the controlled maintenance trust fund to be appropriated in the 2022-23 state fiscal year for controlled maintenance budget requests prioritized by the office of the state architect as level one and level two priority projects;
- \$8,000,000 from the emergency controlled maintenance account to the capital construction fund;
- \$27,040,302 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**S.B. 21-225** Transfers - general fund to small communities water and wastewater grant fund and off-highway vehicle recreation fund. In 2020, the general assembly enacted legislation to require the state treasurer to transfer money from the small communities water and wastewater grant fund and off-highway vehicle recreation fund to the general fund to offset the general fund revenue reduction related to the COVID-19 public health emergency.

The act requires the state treasurer to repay those cash funds by transferring the following amounts from the general fund:

- \$5 million to the small communities water and wastewater grant fund; and
- \$5 million to the off-highway vehicle recreation fund.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**S.B. 21-226** General fund reserve - increase. Under current law, the general fund reserve is equal to 2.86% of the amount appropriated for expenditure from the general fund for the fiscal years 2020-21 and 2021-22 and 7.25% of the amount appropriated for the fiscal year 2022-23 and each fiscal year thereafter. The act increases the percentage used to determine the general fund reserve as follows:

- 13.4% for the fiscal year 2021-22; and
- 15% for the fiscal year 2022-23 and each fiscal year thereafter.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** May 17, 2021

**S.B. 21-227** Emergency reserve - designation - state emergency reserve cash fund - creation. Under the Taxpayer's Bill of Rights and the implementing legislation, the state is required to maintain an emergency reserve to be used for declared emergencies (state emergency reserve). The state may use the state emergency reserve for declared emergencies only.

The act designates the cash and capital asset that constitute the state emergency reserve for the 2021-22 fiscal year. It also creates the state emergency reserve cash fund (fund) to be some or all of the state emergency reserve. On June 30, 2021, the state treasurer is required to transfer \$101 million from the general fund and \$100 million from the controlled maintenance trust fund to the fund. If money from any fund that is designated as part of the state emergency reserve is expended for a declared emergency and the state subsequently receives reimbursement for the expenditure, then the bill requires the state treasurer to deposit the reimbursement into the fund that was the source for the expenditure.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**S.B. 21-228** PERA payment cash fund - creation - transfer from general fund. The act creates the PERA payment cash fund (fund) and appropriates \$380 million from the general fund to the fund for the 2020-21 state fiscal year. The state treasurer is required to use the money in the fund for any portion of the \$225 million direct distribution payment to PERA that would have otherwise been paid from the general fund on July 1, 2022, subsequent direct distributions that would have otherwise been paid from the general fund, and any of the state's employer contributions or disbursements.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-229** Economic development - economic development commission - rural jump-start zone grant program - rural jump-start zone grant fund account. The act creates the rural jump-start zone grant program (grant program) and authorizes the Colorado economic

development commission (commission) to issue grants, subject to available appropriations, as follows:

- Up to \$20,000 to new businesses to establish operations;
- Up to \$40,000 to new businesses to establish operations in a tier one transition community;
- Up to \$2,500 to new businesses for each new hire; and
- Up to \$5,000 to new businesses for each new hire who is hired for operations established in a tier one transition community.

The act also authorizes the commission to issue grants, at its discretion and subject to available appropriations, not to exceed \$30,000 per applicant, to a state institution of higher education or an economic development organization that collaborates with a new business in order to support the new business in meeting the requirements for the business under the grant program.

The act creates the rural jump-start zone grant fund account in the Colorado economic development fund, which consists of any money appropriated to the fund by the general assembly, and may be used:

- By the commission to issue grants; and
- For the direct and indirect costs that the Colorado office of economic development incurs, not to exceed a specified amount, to administer the grant program.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**S.B. 21-231** Colorado energy office - weatherization assistance grants. The act directs the state treasurer to make an immediate, one-time transfer of \$3 million from the general fund to the energy fund administered by the Colorado energy office (CEO). The CEO may use the money for making grants for the weatherization assistance program. The act requires the CEO to periodically report on its expenditures to the office of state planning and budgeting and the general assembly.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

**S.B. 21-241** Office of economic development - small business accelerated growth program - appropriation. The act creates the small business accelerated growth program (program) administered by the Colorado office of economic development (office). The program provides business development support to small businesses with 19 or fewer employees. The office is required to develop a marketing initiative for the program in coordination with the minority business office, the small business development center, and local and regional economic development entities to promote the program. The businesses selected to participate in the program have one year to use the business development support offered by

the program, and \$1,350,000 in grants from the Colorado startup loan fund are for participants demonstrating need and success under the program.

The act makes an appropriation.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

**S.B. 21-242** Housing - rental assistance and tenancy support service programs - rental, acquisition, and renovation of underutilized hotels, underutilized motels, and other underutilized properties grant program - emergency direct assistance grant program. The act allows the division of housing within the department of local affairs to use the housing development grant fund for rental assistance, tenancy support service programs, and awarding grants and loans for the rental, acquisition, or renovation of underutilized hotels, underutilized motels, and other underutilized properties to provide noncongregate sheltering or affordable housing for people experiencing homelessness. The act expands those who are eligible to benefit from the rental assistance and tenancy support programs to include individuals experiencing homelessness.

The act transfers \$30 million from the affordable housing and home ownership cash fund to the housing development grant fund for the funding of rental assistance and tenancy support programs related to the rental, acquisition, or renovation of underutilized hotels, underutilized motels, and other underutilized properties, and the awarding of grants and loans for the rental, acquisition, or renovation of underutilized hotels, underutilized motels, and other underutilized properties. The act also transfers \$15 million from the general fund to the affordable housing and home ownership cash fund.

Additionally, the act requires the department of local affairs, during its annual report to the assigned committee of reference, to report on the rental and tenancy support service programs provided by the division of housing related to the rental, acquisition, or renovation of underutilized hotels, underutilized motels, and other underutilized properties and the grants and loans awarded by the division for the rental, acquisition, or renovation of underutilized hotels, underutilized motels, and other underutilized properties.

Finally, the act further expands the permissible use of the housing development grant fund to allow the awarding of grants to nonprofit organizations for the issuance of direct assistance to individuals who are currently experiencing financial need and are not eligible for certain other types of assistance. The act transfers \$15 million from the general fund to the housing development grant fund for this purpose and requires the state treasurer to transfer all unexpended and unencumbered money that is transferred to the fund for this purpose to the general fund on June 30, 2022.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**Note:** The act is contingent on House Bill 21-1329 becoming law. House Bill 21-1329 was approved by the governor on June 25, 2021.

**S.B. 21-252** Community revitalization grant program - division of creative industries - creation or revitalization of mixed-use commercial centers - policies, procedures, and guidelines for grant awards - community revitalization fund - report on use of money - transfer to DOLA for Colorado main street program. The act establishes the community revitalization grant program (grant program) in the division of creative industries (division) in the office of economic development (office). The grant program is established to provide money awards to finance various projects across the state that are intended to create or revitalize mixed-use commercial centers. The grant program is intended to support creative projects in these commercial centers that would combine revitalized or newly constructed commercial spaces with public or community spaces including but not limited to certain projects specified in the act. In allocating grant money under the grant program, preference will be given to certain projects based on prioritization factors enumerated in the act. All grants awarded under this section must be encumbered no later than December 31, 2022.

The division will administer the grant program in consultation with the division of local government (DLG) in the department of local affairs (DOLA). The division may contract out part of its administrative duties under the grant program to a third-party administrative entity.

In connection with the administration of the grant program, the division and DLG are required to collaborate in creating a process that ensures that grants are only considered and awarded after a fair and rigorous open competition among eligible grant recipients. The division and DLG are also required to collaborate on the review of grant applications and the approval of grant awards. In connection with the review of grant applications and awards, the division must solicit input from a stakeholder group that includes representation from various groups and entities as specified in the act.

On or before September 1, 2021, the director of the division, in consultation with the director of the DLG or their designees, are required to adopt policies, procedures, and guidelines for the grant program that include without limitation:

- Procedures and timelines by which an eligible recipient may apply for a grant;
- Criteria for determining grant eligibility and grant amounts; and
- Reporting requirements for grant recipients.

The act specifies the types of projects meriting preference in the awarding of grants.

The act creates the community revitalization fund (fund) in the state treasury. On the effective date of the act, or as soon as practicable thereafter, the state treasurer is required to transfer \$65 million from the general fund to the fund. All money transferred is to be used for either grant awards or the costs of administering the grant program.

On or before November 1, 2022, and on or before November 1, 2023, the division is required to publish a report summarizing the use of all of the money that was awarded as grants under the grant program in the preceding fiscal year. The act specifies additional



required components of the report. The report must be posted on the website of the office. The act requires the office to summarize the information contained in the report in its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings.

On June 30, 2021, if there is unexpended and unencumbered money remaining from the amount appropriated to DOLA in the 2020-21 state fiscal year for the program providing small business relief to address the negative effects of capacity limits due to the COVID-19 pandemic, the act requires the state treasurer to transfer \$7,000,000 of the unexpended and unencumbered amount to DOLA for use by the DLG in administering the Colorado main street program.

The act reduces the 2020-21 state fiscal year appropriation to DOLA for use by the DLG from \$37,000,000 to \$30,000,000. For the 2021-22 state fiscal year, the act appropriates \$7,000,000 to DOLA for use by the DLG for the Colorado main street program.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**S.B. 21-254** Child care facilities - advisory board - licensing. The act eliminates the advisory committee that advised the state department of human services on the licensing of child care facilities prior to the creation of the early childhood leadership commission.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-283** Cash fund solvency fund - created - permissible transfers - transfers to marijuana cash fund. The act creates the cash fund solvency fund from which the state controller may transfer money to another cash fund for which it is anticipated that there will be a cash deficit. Thereafter, the state controller is required to transfer the same amount of money from the cash fund back to the cash fund solvency fund in one or more installments, which may be over multiple fiscal years. The state controller is required to annually report to the joint budget committee and the office of state planning and budgeting about any transfers made.

The act also requires the state treasurer to transfer to the marijuana cash fund \$1,805,317 from the marijuana tax cash fund and \$1,200,000 from the general fund.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

**S.B. 21-284** Evidence-based evaluations - program or practice - budget requests - funding consideration. The act establishes a set of evidence-based definitions to be used when

analyzing a program or practice. If a state agency or the office of state planning and budgeting includes an evidence-based evaluation of a program or practice in a budget request or budget amendment, then the state agency or office is required to describe the program or practice using the definitions. In such case, the state agency or office is also required to provide any research that supports the program or practice or a decrease in funding for a program or practice, along with information concerning how the evidence referenced was used in the development of the budget request or budget amendment request.

Joint budget committee staff is required to independently analyze and describe the program or practice using the definitions and to include any evidence-based information as part of any recommendation it makes regarding a budget request or budget amendment request. The staff director is required to appoint additional staff as necessary to provide the evidence-based analysis, and upon request, joint budget committee staff shall also assist legislators in incorporating evidence-based assessments in legislation for bills that create a new program or practice.

The joint budget committee is required to consider, as one of many factors, any available evidence-based information when determining the appropriate level of funding of a program or practice.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-287** Office of information technology - technology risk prevention and response fund - increase amount available for transfer between certain items of appropriation - appropriation. The act creates the technology risk prevention and response fund (fund) for the office of information technology (office). The act specifies that the fund consists of money that the general assembly may appropriate or transfer to the fund.

Fifty percent of the total balance of the fund is continuously appropriated to the office.

The office may use the money in the fund for one-time costs associated with:

- Information technology emergencies;
- Ensuring compliance with the office's information technology standards and policies; or
- Preventing risk from certain information technology debt.

The act also increases the amount of money that may be transferred between items of appropriation made to principal departments of state government and to the office of the governor, which includes the office of information technology.

The act appropriates \$2 million from the general fund to the fund.

**S.B. 21-288** American Rescue Plan Act - cash fund - creation - recipient fund - companion fund - reporting requirements and conditions - federal fund reporting. As part of the federal "American Rescue Plan Act of 2021" (federal act), the state will receive \$3,828,761,790, and \$380 million of that money will be used for transportation infrastructure. The act creates the "American Rescue Plan Act of 2021" cash fund (fund) and requires the state treasurer to deposit \$3,448,761,790, which is the balance of the federal funds after the transportation infrastructure use, in the fund.

The general assembly may transfer money from the fund to another cash fund that is established for the purpose of using the money from the federal coronavirus state fiscal recovery fund, and the act establishes requirements for this type of cash fund or one that includes any subsequent transfers or appropriations (recipient fund). If there is any money remaining in the fund after the legislatively authorized transfers during the 2021 legislative session, then the governor is authorized to allocate up to \$300 million for the purposes permitted under the federal act, and the money is continuously appropriated to the departments the governor designates.

In order to ensure proper accounting for and compliance with the federal act, if a recipient fund has money from other sources, then the state controller shall establish an identical, companion fund that only includes the federal funds from the federal act.

Money in the fund or a recipient fund must be expended or obligated by December 31, 2024, and any money obligated by December 31, 2024, must be expended by December 31, 2026. The state treasurer is required to transfer the unused and unobligated amounts in the fund as of December 31, 2024, to the unemployment compensation fund. A department is prohibited from using any money from the fund or a recipient fund for any purpose prohibited under the federal act, and transfers from the fund to the general fund are prohibited.

The state controller is required to provide the secretary of the treasury of the United States with the periodic reports about the state's use of the money from the fund or a recipient fund. Departments and persons receiving money from departments are required to comply with any reporting record-keeping requirements established by the state controller and the office of state planning and budgeting (office) and with any program evaluation requirements established by the office. The office is required to provide the joint budget committee with a yearly performance report, which includes the information the state controller provides to the secretary.

The act also modifies existing federal funds reporting requirements so that, like the reporting on the money from the recipient funds, the joint budget committee receives annual reports instead of quarterly reports. In addition, the state controller is required to make the reports instead of the office, and the information required to be submitted is modified.

**APPROVED** by Governor June 11, 2021

**EFFECTIVE** June 11, 2021

**S.B. 21-289** American Rescue Plan Act - revenue loss restoration cash fund - creation - transfer from American Rescue Plan Act of 2021 cash fund - allowable uses - allocation for future fiscal years. The act creates the revenue loss restoration cash fund (fund). The state treasurer is required to transfer \$1 billion from the "American Rescue Plan Act of 2021" cash fund to the fund. This amount is a portion of the money that the state receives from the federal coronavirus state fiscal recovery fund that represents the state's revenue loss as calculated under United States department of treasury guidelines.

The general assembly may appropriate or transfer money from the fund to a department for the provision of government services, including kindergarten through twelfth grade public education, housing, state employees, asset maintenance, seniors, criminal justice, state parks, agriculture, and transportation infrastructure. On and after January 1, 2022, the general assembly may only appropriate money from the fund through the annual general appropriation act or a supplemental appropriation act. The money in the fund is allocated to be used over the next 3 fiscal years.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**S.B. 21-291** American Rescue Plan Act - Economic recovery and relief cash fund - creation - for specified uses in responding to COVID-19 or its negative economic impacts - transfer to economic development fund - interim study task force - recommendations for using money in the fund. The act creates the economic recovery and relief cash fund (fund) which consists of money deposited in the fund from the "American Rescue Plan Act of 2021" cash fund. To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, the act allows the general assembly to appropriate or transfer money for specified uses.

The act transfers \$40 million to the Colorado economic development fund for the Colorado office of economic development to use \$10 million of the appropriated money to incentivize small businesses to locate in rural Colorado and for the location neutral employment incentive program which provides incremental cash incentives per remote employee per year for up to 5 years to small businesses that hire new employees in designated rural areas of the state. The act specifies that the remaining appropriated money must be used, subject to the fund requirements, to provide grants to small businesses or to undertake any other economic development activity in response to the negative economic impacts of the COVID-19 pandemic.

The act requires the executive committee of the legislative council to create a task force to meet during the 2021 legislative interim and issue a report with recommendations to the general assembly and the governor on policies that use money from the fund to provide a stimulative effect to the state's economy, necessary relief for Coloradans, or that address emerging economic disparities resulting from the pandemic.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**Note:** The act is contingent on Senate Bill 21-288 becoming law. Senate Bill 21-288 was approved by the governor on June 11, 2021.

**S.B. 21-292** American Rescue Plan Act - victims services - domestic violence - sexual assault - violence in general - appropriations. The federal government enacted the "American Rescue Plan Act of 2021" (federal act) to provide support to state, local, and tribal governments in responding to the impact of the COVID-19 public health emergency and to assist them in their efforts to contain the effects of the COVID-19 public health emergency on their communities, residents, and businesses.

As part of the federal act, the state will receive \$3,828,761,790 from the federal coronavirus state fiscal recovery fund to be used for specific purposes identified in the federal act. This act allocates a total of \$15 million to be appropriated for victim's services programs and purposes related to populations that have been disproportionately negatively affected by the COVID-19 public health emergency, including those affected by domestic violence, sexual assault, and violence generally. The money will be appropriated from the economic recovery and relief cash fund using money from the federal coronavirus state fiscal recovery fund. All money appropriated through this act must conform with the eligible uses set forth in the federal act.

This act appropriates money to the following entities:

- The forensic nurse examiner telehealth program;
- The state and local victims and witnesses assistance and law enforcement funds;
- The state crime victims compensation program;
- The address confidentiality program fund; and
- The Colorado domestic abuse program fund for the funding of domestic violence programs.

For the 2021-22 state fiscal year, the act appropriates from the economic recovery and relief cash fund and of money the state receives from the federal coronavirus state fiscal recovery fund:

- \$3,000,000 to the department of public safety for use by the division of criminal justice. for the forensic nurse examiners telehealth program;
- \$1,500,000 to the department of public safety for use by the division of criminal justice for the state victim compensation program;
- \$3,000,000 to the victims and witnesses assistance and law enforcement fund. The judicial department is responsible for the accounting related to this appropriation;
- \$1,500,000 to the victims assistance and law enforcement fund. The department of public safety is responsible for the accounting related to this

- appropriation.
- \$500,000 to the address confidentiality program fund. The department of personnel is responsible for the accounting related to this appropriation.
- \$4,750,000 to the Colorado domestic abuse program fund. The department of human services is responsible for the accounting related to this appropriation.
- \$750,000 to the judicial department for use by courts administration for family violence justice grants.

The act also appropriates, from reappropriated funds in the victims assistance and law enforcement fund, \$1,500,000 to the department of public safety for use by the division of criminal justice for the state victims assistance and law enforcement program. The act also appropriates, from reappropriated funds in the Colorado domestic abuse program fund, \$4,750,000 to the department of human services for use by the office of self sufficiency for the domestic abuse program.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** June 22, 2021

**NOTE:** This act is contingent on Senate Bills 21-288 and 21-291 becoming law. Both bills were enacted and became law.

**H.B. 21-1005** Health-care services reserve corps task force - creation - powers and duties - study and recommendations - repeal. The act creates the health-care services reserve corps task force (task force) in the department of public health and environment. The purpose of the task force is to evaluate and make recommendations on the creation of a health-care services reserve corps program (program), in which medical professionals could cross-train to be able to serve the state in an emergency or disaster and receive a benefit for their service.

The task force consists of at least 10 and no more than 11 members. The task force is required to consider and make findings and recommendations on issues including:

- The types of medical professionals who could participate in a health-care services reserve corps program, including how to ensure an appropriate cross section of providers;
- The types of emergencies and disasters for which the program could prepare and provide assistance, and whether the program could be deployed out of state;
- Any legal or regulatory obstacles to creating such a program;
- Liability protections for professionals and facilities participating in the program;
- Whether the program could be streamlined or integrated with existing programs or procedures;
- The types and hours of training that would be required;
- How to ensure the program and cross-training are accessible to rural medical professionals;
- The costs associated with the program;

- Issues related to insurance coverage and reimbursement;
- Consumer protections for patients being treated by the program;
- How the health-care services reserve corps would be deployed; and
- The type of benefit that could be offered and the amount, terms of, and funding for the benefit that participants would receive.

The task force is required to consult with medical and nursing schools in making recommendations related to the cross-training elements of the program and with additional stakeholders as necessary to address additional questions, including disaster response experts, affected state agencies, and entities with experience in medical malpractice insurance. The task force is authorized to consult with additional stakeholders with expertise in identifying the physical and mental health needs of Coloradans or in coordinating emergency response at the local, state, or federal level to identify additional questions for future consideration by the program. The task force is authorized to contract with an outside consultant to assist the task force in completing its work.

The task force is required to submit a report with its findings and recommendations to the house public health care and human services committee and the senate health and human services committee by December 1, 2023. The task force is required to meet at least once every 2 months. Task force members serve without compensation and are not eligible for reimbursement for expenses. The act is repealed effective September 1, 2024.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**H.B. 21-1009** DOLA - division of housing - update of statutory functions - collaboration with other state agencies - development of incentives to promote the state's affordable housing and energy performance objectives - disposition of state-owned assets for affordable housing. The current statutory functions of the division of housing (division) within the department of local affairs include conducting research into new approaches to housing throughout the state. The act expands the list of research subjects to include:

- Transit-oriented development that includes increased housing density near employment, education, and town centers; and
- Advanced energy performance standards that minimize the total building operational costs during the affordability period.

The act expands the list of existing functions of the division to include collaborating with other state agencies to develop incentives that support:

- Local development near transit corridors;
- Increased housing density development within employment, education, and town centers; and
- Energy performance standards that minimize total building operational costs during the affordability period.

The division is required to collaborate with other state agencies in connection with the disposition of state-owned assets to be used for low- and moderate-income housing, and maintain the confidentiality of all names, addresses, and personal identifying information of applicants, recipients, and former recipients of housing assistance. The division is permitted to publish or provide aggregate or de-identified data concerning applicants, recipients, and former recipients of housing assistance to third parties and other governmental entities, and to enter into data-sharing agreements authorizing the transfer of such information subject to certain restrictions. Outdated statutory functions of the division are eliminated.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1019** Manufactured housing - factory built structures - installers and sellers - modifications to regulations. The act makes the following modifications to the regulations of factory-built structures, manufactured housing, and installers and sellers of manufactured housing:

- Clarifies that the division of housing (division) has enforcement powers over the installation and sale of manufactured homes and over the safety of hotels and multi-family structures where no other construction standards exist;
- Clarifies that a manufacturer who violates applicable law is subject to registration revocation or any other measures prescribed by the division or applicable law;
- Clarifies that a local government may enforce local rules governing the installation of factory-built housing that are approved by the division of housing;
- Clarifies that authority granted to the division is over work related to factory-built structures that is completed offsite or completed onsite with components shipped with the factory-built structure;
- Clarifies that a local government's authority is over work completed onsite and is not over work performed offsite or work that is completed onsite using components shipped with the factory-built structure;
- Allows the division to authorize a local government to inspect and charge fees related to work that is completed onsite using components shipped with a factory-built structure;
- Clarifies that a factory-built structure bearing an insignia of approval issued by the division complies with applicable state codes and local government installation requirements approved by the division;
- Clarifies that an insignia of approval affixed to the factory-built structure does not expire unless the design and construction of the factory-built structure has been modified by approved plans;
- Clarifies that a homeowner who installs a manufactured home for their own personal use is not required to register with the division;



- Allows the division to set the surety bond, insurance, and educational requirements for a registered installer of a manufactured home by rule-making;
- Creates disclosure requirements relating to financial instruments and legal actions for installation contracts;
- Requires installers to contact the division if the installer is not able to strictly comply with the manufacturer's instructions;
- Clarifies that a manufacturer must receive an installation authorization unless the installation is occurring in a jurisdiction where a local government is acting as an independent contractor;
- Clarifies that an installation insignia must be affixed to the manufactured home by the division or the local government independent contractor upon the completion of the installation;
- Clarifies what costs the installer may be required to pay if a manufactured home was not completely installed;
- Requires an insurer or financial institution to pay the division the amount of a claim against the letter of credit, certificate of deposit, or surety bond filed with the division by a registered installer if there has been a finding that the installer failed to perform as required by applicable law;
- Clarifies that a local government may only enact installation rules related to geographic or climatic conditions and any such rules cannot federal law;
- Allows a local government to require onsite mitigation addressing public safety requirements applicable to manufactured homes that comply with the federal manufactured home construction and safety standard;
- Clarifies that a person who is employed by a registered seller to negotiate for the sale of manufactured homes is not considered a seller for purposes of the applicable registration requirements;
- Allows the division to set escrow requirements and the minimum amount of a financial instrument filed by a registered seller of a manufactured home through rule-making;
- Removes the requirement that the division send the attorney general a monthly list of all persons registered and bonded with the division;
- Removes the restriction that any financial instrument filed with the division is only revocable upon the written consent of the attorney general;
- Clarifies the disclosures that are required to be made in contracts for the sale of manufactured homes;
- Clarifies that any fines paid to the division by a seller must be credited by the state treasurer to the building regulation fund;
- Clarifies the types of homes that may not be excluded by counties and municipalities; and
- Clarifies that a county or municipality must comply with the state requirements for local installation standards when enacting building code provisions for a manufactured home.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

**H.B. 21-1025** Open meetings law - electronic mail communication. Under current provisions of the Open Meetings Law (OML), if elected officials use electronic mail to discuss pending legislation or other public business among themselves, the electronic mail constitutes a meeting that is subject to the OML's requirements. The act substitutes the word "exchange" for the word "use" in describing the type of electronic mail communication that triggers the application of the OML.

The act also clarifies existing statutory provisions to specify that electronic mail communication between elected officials that does not relate to the merits or substance of pending legislation or other public business is not a meeting for OML purposes. Under the act, the type of electronic communication that also does not constitute a meeting for OML purposes includes electronic communication regarding scheduling and availability as well as electronic communication that is sent by an elected official for the purpose of forwarding information, responding to an inquiry from an individual who is not a member of the state or local public body, or posing a question for later discussion by the public body. The act defines the term "merits or substance" to mean any discussion, debate, or exchange of ideas, either generally or specifically, related to the essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity.

**APPROVED** by Governor April 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1028** Annual public report - money administered by the state to promote affordable housing. Commencing in 2021, and every year thereafter as part of the presentation by the department of local affairs (DOLA) to its legislative oversight committees in connection with its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing, the act requires the division of housing (division) in DOLA to prepare a public report that specifies the total amount of money that:

- The division or the state housing board (board) was appropriated, awarded, allocated, or transferred from any federal, state, other public, or any private source during the prior fiscal year that may be used for the preservation or production of emergency or affordable housing;
- The division or the board has awarded from any federal, state, other public, or any private source during the prior fiscal year that may be used for the preservation or production of emergency or affordable housing; and
- The division or the board expended from state funding during the prior fiscal year on administrative costs associated with each funding source and the number of full-time employees supported by the funding source.

The act identifies various items the report must address. The report must be posted on the division's website and shared with the board as well as DOLA's legislative oversight committees as part of its SMART Government Act hearing.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1051** Open meetings law - Colorado Open Records Act - identification of finalists for chief executive positions - limiting public inspection of application materials of unsuccessful applicants. A state or local public body conducting a search for a chief executive officer of an agency, authority, institution, or other entity is required to name one or more candidates as finalists and to make the finalist or finalists public prior to making an offer of employment. The application materials of an applicant for any employment position, including an applicant for an executive position who is not a finalist, are not subject to public inspection under the "Colorado Open Records Act". The act repeals a provision requiring that, if 3 or fewer candidates for an executive position meet the minimum requirements for the position, all of those candidates must be treated as finalists and their application materials are public records. The act requires the disclosure of demographic data concerning the race and gender of a candidate who was interviewed but not named as a finalist for a chief executive officer position, if that information was legally requested and voluntarily provided.

**APPROVED** by Governor May 25, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1054** Verification of lawful presence - housing benefit exception. The act creates, unless otherwise required by federal law, a public or assisted housing benefit exception to the requirement that an applicant for federal, state, or local public benefits verify lawful presence in the United States.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** April 15, 2021

**H.B. 21-1056** Department of transportation - modification of public project contracting requirements. The requirements of the "Construction Bidding for Public Projects Act" (CBPPA) generally apply to a public project if the cost of the project is reasonably expected to exceed \$500,000 for any fiscal year; except that a public project supervised by the department of transportation (CDOT) is subject to the requirements of the CBPPA if the cost of the project is reasonably expected to exceed \$150,000 for any fiscal year. The act:

- Increases the lower cost amount for CDOT projects to \$250,000, which means

that the requirements of the CBPPA, including the requirement that CDOT prepare a bid estimate when it proposes to undertake a project itself rather than awarding the project to a contractor through competitive bidding, will apply to a CDOT project only if the cost of the project is reasonably expected to exceed \$250,000 for any fiscal year;

- Increases from \$50,000 to \$150,000 the maximum cost for a CDOT project that is exempt from transportation commission approval; and
- Requires CDOT to annually identify in a report to the transportation commission and the transportation legislation review committee of the general assembly all highway maintenance projects for the reporting year costing more than \$150,000 but not more than \$250,000 that:
  - CDOT is completing using CDOT employees;
  - CDOT awarded by invitation for bids or competitive sealed best value bidding; or
  - For which CDOT solicited but did not receive bids.

The act also limits the existing requirement that CDOT pay all employees performing work on any public project local prevailing wages in accordance with specified federal acts to projects that cost more than \$250,000 and requires all electrical work on a CDOT public project to be performed by licensed electricians or registered apprentices properly supervised by electricians.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1060** U visa certification requirements - factors for consideration - completion time frame - prohibitions. To be eligible for U nonimmigrant status (U visa) from the federal government, a requestor must receive a certification form from a certifying official attesting that the person has been the victim of certain criminal activity and has been, is being, or is likely to be helpful to the detection, investigation, or prosecution of the criminal activity. The act sets a required time frame for completion or denial of the certification request and sets forth the factors that may and may not be considered in the certification process. The act also prohibits certain disclosures to immigration authorities and requires law enforcement to provide crime victims with information about the U visa.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** September 1, 2021

**H.B. 21-1075** Public contracts - change term illegal alien to worker without authorization. The act replaces the term "illegal alien" with "worker without authorization" as it relates to public contracts for services.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1100** Executive agencies - counties - electronic filing - study. The act requires the office of information technology (office) in partnership with each principal department of the state to file a report by October 15, 2021, with the joint technology committee (committee) concerning the department's electronic filing capacity. The report must include information on the proportion of documents that can currently be filed electronically with the department, the actions required to allow at least 80% of documents filed with the department to be filed electronically, and any obstacles or barriers the department or the office would face in implementing electronic filing for at least 80% of documents filed with the department.

The governing body of each county and city and county is also required to file a report with the committee by October 15, 2021, concerning the county's electronic filing capacity. The report must include information on the proportion of documents that can currently be filed electronically with the county, the actions required to allow at least 80% of documents filed with the county to be filed electronically, and any obstacles or barriers the county would face in implementing electronic filing for at least 80% of documents filed with the county.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1108** Anti-discrimination laws - adding prohibitions against gender-based discrimination - gender identity - gender expression. The act adds the terms "gender expression" and "gender identity" to statutes prohibiting discrimination against members of a protected class, including statutes prohibiting discriminatory practices in the following areas:

- Membership of the Colorado civil rights commission;
- Employment practices;
- Housing practices;
- Places of public accommodation;
- Publications that advertise places of public accommodation;
- Consumer credit transactions;
- Selection of patients by direct primary health care providers;
- Sales of cemetery plots;
- Membership in labor organizations;
- Colorado labor for public works projects;
- Issuance or renewal of automobile insurance policies;
- The provision of funeral services and crematory services;
- Eligibility for jury service;

- Issuance of licenses to practice law;
- The juvenile diversion program;
- Access to services for youth in foster care;
- Enrollment in a charter school, institute charter school, public school, or pilot school;
- Local school boards' written policies regarding employment, promotion, and dismissal;
- The assignment or transfer of a public school teacher;
- Leasing portions of the grounds of or improvements on the grounds of the Colorado state university - Pueblo and the Colorado school of mines;
- Enrollment or classification of students at private occupational schools;
- Training provided to peace officers concerning the prohibition against profiling;
- Criminal justice data collection;
- Employment in the state personnel system;
- The availability of services for the prevention and treatment of sexually transmitted infections;
- Membership of the health equity commission;
- The availability of family planning services;
- Requirements for managed care programs participating in the state medicaid program and the children's basic health plan;
- The treatment of and access to services by individuals in facilities providing substance use disorder treatment programs;
- Employment practices of county departments of human or social services involving the selection, retention, and promotion of employees;
- Practices of the Colorado housing and finance authority in making or committing to make a housing facility loan;
- The imposition of occupancy requirements on charitable property for which the owner is claiming an exemption from property taxes based on the charitable use of the property;
- Practices of transportation network companies in providing services to the public; and
- The determination of whether expenses paid at or to a club that has a policy to restrict membership are tax deductible.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1109** Office of information technology - broadband deployment board transfer - board membership changes - request for proposal process for critically unserved areas - data mapping - appropriation transfer. The act moves the broadband deployment board (board) from the department of regulatory agencies (department) to the office of information technology (office) and, on September 1, 2021, reduces the membership of the board from

16 to 11 members.

The board is required to develop a request for proposal process through which the board will solicit bids for proposed projects that serve critically unserved areas of the state identified by the office. The board is required to reserve up to 60% of the money from the high cost support mechanism that is allocated for broadband deployment to award grants to proposed projects solicited through the request for proposal process. "Critically unserved" is defined in the act to mean a household or area that lacks access to at least one provider of nonsatellite broadband service delivered at measurable speeds of at least 10 megabits per second downstream and one megabit per second upstream or at measurable speeds of at least one-half of the minimum measurable speeds that qualify as broadband under the federal communications commission's definition, rounded up, whichever is faster.

The act also:

- Requires an applicant or appellant to submit either written certification from a local entity indicating that the area to be served by the applicant's project is an unserved area or a statistically representative number of speed tests performed on an incumbent provider's network and conducted in accordance with industry-standard speed-test protocols;
- Gives additional consideration to proposed projects that would give discounted service for low-income households;
- Contractually requires an applicant receiving a grant award to:
  - Report annually on the number of homes and businesses served by the grant-supported broadband network, the number of homes and businesses expected to be served in the following year, and the speeds, rates, and services offered to customers through the grant-supported broadband network; and
  - Provide third-party performance-testing certification, after the grant money has been fully expended, that the project meets the original design of, and provides the measurable speeds, rates, and services set forth in, the application.
- Requires an applicant or appellant to submit to the office, in a form and manner determined by the office, certain granular mapping data, which data is not a public record under the "Colorado Open Records Act"; and
- Uses the request for proposal process, or a substantially similar process, for the disbursement of any federal money the board receives for broadband deployment projects and programs so long as using the request for proposal process complies with federal requirements for use of the money.

For the 2021-22 state fiscal year, the act transfers \$202,504 of the appropriation made in the annual general appropriation act from the department of regulator agencies to the office of the governor for use by the office of information technology to implement the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**H.B. 21-1110** Persons with disabilities - accessibility to government information technology - liability and fines - appropriation. The act adds language to strengthen current Colorado law related to protections against discrimination on the basis of disability for persons with disabilities, specifically as those laws relate to accessibility to government information technology. The added provisions include:

- Prohibiting a person with a disability from being excluded from participating in or being denied the benefits of services, programs, or activities of a public entity or a state agency;
- Clarifying that such prohibition includes the failure of a public entity or state agency to develop an accessibility plan and fully comply, on or before July 1, 2024, with accessibility guidelines established by the office of information technology (office);
- Any Colorado agency with the authority to promulgate rules shall not promulgate a rule that provides less protection than that provided by the "Americans with Disabilities Act of 1990".

Definitions related to disabilities are added to the statutory sections for the office. The chief information officer in the office is directed to maintain accessibility standards for individuals with disabilities (accessibility standards) for information technology systems employed by state agencies that provide access to information stored electronically and are designed to present information for interactive communications, in formats intended for visual and nonvisual use.

The chief information officer in the office is directed to promote and monitor the accessibility standards in the state's information technology infrastructure. The act directs each state agency to comply with the accessibility standards established by the office. The accessibility standards must be established using the most recent web content accessibility guidelines promulgated and published by the world wide web consortium web accessibility initiative or the international accessibility guidelines working group.

The act directs each state agency, on or before July 1, 2022, to submit its written accessibility plan to the office. The office shall then work collaboratively with the state agency to review sections related to accessibility standards and to establish implementation methodology. On or before July 1, 2024, each state agency shall fully implement the sections of the state agency's plan related to accessibility standards. The act states that any state agency that is not in full compliance by July 1, 2024, is in violation of the state's laws concerning discrimination against individuals with a disability and is subject to the remedies set forth in statute.

Liability for noncompliance as to content lies with the public entity or state agency that manages the content, whereas noncompliance of the platform hosting the content lies with the public entity or state agency that manages the platform.

For the 2021-22 state fiscal year, the act appropriates \$312,922 to the office of the governor for use by the office of information technology. This appropriation is from the



general fund and is based on an assumption that the office will require an additional 0.9 FTE. To implement this act, the office may use this appropriation for enterprise solutions.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1111** Personally identifiable information - state agencies - advisory group - report. The act directs the chief information officer to convene an advisory group to study where personally identifiable information is stored by state agencies throughout Colorado, to study entities that have access to personally identifiable information stored by state agencies, and to determine the costs and processes necessary to centralize the storage and protection of personally identifiable information.

The advisory group consists of the members of the government data advisory board, a member who represents the attorney general's office, and members selected and appointed by the chief information officer who are personally identifiable information experts.

The advisory group shall report to the general assembly on or before January 1, 2023, with its findings and recommendations for legislation, if any. The advisory group is subject to repeal January 1, 2024.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1122** First responders - peace officers - training on interacting with persons with disabilities - commission - appropriation. The act establishes the commission on improving first responder interactions with persons with disabilities (commission) in the attorney general's office. The commission is comprised of 12 members appointed by the attorney general, including 2 persons with a disability, 2 parents of a child with a disability, 2 representatives from advocacy organizations, a person from a disability community not otherwise represented on the commission, a representative of a statewide organization of current and former peace officers, a representative of a statewide organization of chiefs of police, a representative of a statewide organization of county sheriffs, a member of the peace officer standards and training board (P.O.S.T. board), and a member of the P.O.S.T. board's curriculum subject matter expert committee.

After reviewing the existing Colorado peace officer training and existing available curricula, the commission must recommend to the P.O.S.T. board a curriculum for peace officer training concerning interactions with persons with disabilities. Subject to available appropriations, the P.O.S.T. board must implement the recommended curriculum by July 1, 2022. The commission is required to review implementation of the curriculum and may recommend changes that the P.O.S.T. board may adopt.

The commission is repealed on December 31, 2023, but prior to its repeal the attorney general may recommend continuation of the commission.

The act requires the fire service training and certification advisory board to advise the director of the division of fire prevention and control on whether to include the commission's curriculum or similar curriculum in the fire service education and training program. The department of public health and environment is required to consider including the commission's curriculum in training for personnel who routinely respond to emergencies.

The act makes an appropriation of \$39,775 to the department of law for use by the P.O.S.T. board.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1126** Department of personnel - office of the state architect - central authority for leasing privately-owned property for state purposes. House Bill 14-1387, enacted in 2014, inadvertently removed, through the use of the definition of "real property", the authority of the department of personnel (department) to negotiate and execute leases for state use of privately owned property, including land, office space, buildings, and special use interests. This eliminated a decades-old policy for the department to serve as the central authority to assist state agencies and state institutions of higher education to lease needed office space and other property interests. The department has been operating under custom and practice to keep negotiating and executing such leases since House Bill 14-1387 was enacted.

The act officially reinstates this authority to the office of the state architect in the department, which houses the real estate program. The real estate program is the program responsible for centralized leasing.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** April 15, 2021

**H.B. 21-1150** Colorado office of new Americans - creation. The act creates, initially within the department of labor and employment, the Colorado office of new Americans (ONA). The act sets forth the ONA's duties and responsibilities and provides details regarding funding. The ONA serves as the point of contact for immigrant-serving state agencies, private sector organizations, and the public about immigrant issues in Colorado, and has as one of its central purposes the successful integration and inclusion of immigrants and refugees in our state's communities. As its main priority, the ONA is required to implement a statewide strategy to facilitate economic stability and promote successful economic, social, linguistic, and cultural integration by investing in the success of immigrants in Colorado.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1152** Capital construction - capitol dome restoration fund - repeal of obsolete fund. The act repeals a provision of law that creates the capitol dome restoration fund, which is obsolete. The capitol dome restoration was a capital project that commenced in 2010 and has since been completed. The statutory sections regarding the capitol dome restoration were repealed in July 2015 but the statute establishing the fund and the necessary transfers of money to the fund were inadvertently left in the statutes. The act addresses that defect.

**APPROVED** by Governor April 20, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1165** Victim compensation - victims of strangulation - cooperation with law enforcement. A crime victim is entitled to compensation under the "Colorado Crime Victim Compensation Act" if, in part, the victim cooperates with law enforcement officials. The act clarifies that a victim of strangulation satisfies the cooperation requirement by undergoing a medical forensic examination.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** May 10, 2021

**H.B. 21-1174** Capital construction - excess proceeds from issuance of a lease-purchase agreement under Senate Bill 20-219 - transfer to the capital construction fund. The act requires the state treasurer to transfer to the capital construction fund any excess proceeds from the issuance of a lease-purchase agreement under Senate Bill 20-219, concerning the issuance of a lease-purchase agreement to fund the continuations of certain previously funded capital construction projects, that are initially credited to the emergency controlled maintenance account.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

**H.B. 21-1194** Legal services - immigration legal defense fund - appropriation. The act creates the immigration legal defense fund (fund). The department of labor and employment, as the administrator, awards grants from the fund to qualifying nonprofit organizations (organizations) that provide legal advice, counseling, and representation for, and on behalf of, indigent clients who are subject to an immigration proceeding. The act lists permissible uses of grant money awarded from the fund.

Organizations that receive a grant from the fund are required to report to the administrator certain information about persons served and services provided by the organization.

For the 2021-22 state fiscal year, the act appropriates \$100,000 to the immigration

legal defense fund from the general fund.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1201** Correctional facilities - penal communication providers - penal communications services - data reporting - testing - appropriation. The act requires penal communications service providers (providers) who provide penal communications services (services) to correctional facilities (facilities) to maintain data and records (data) related to the services provided to those facilities. The act requires providers to submit the data and a report on the services provided to the public utilities commission (commission) on a quarterly basis. The commission is required to publish the data and report on its website in a format accessible by the public.

The commission shall establish a maximum per-minute rate for in-state debit, prepaid, and collect calls to or from facilities, and shall conduct trial tests to ensure accountability and transparency. Starting on January 1, 2022, rate caps established by the federal communications commission apply to all in-state debit, prepaid, and collect calls to or from a facility.

The act requires the commission to conduct trial tests on a statistically valid sample of penal communications services and document the test results to ensure the quality of the calls and the accountability of the service.

The act requires providers to include specific language to be displayed prominently on the provider's website concerning the filing of a complaint.

Current law exempts providers and the services provided from oversight by the commission. The act grants the commission authority over providers and the services provided.

For the 2021-22 state fiscal year, the act appropriates \$259,251 to the department of regulatory agencies for use by the public utilities commission. This appropriation is from the telecommunications utility fund. To implement this act, the division may use this appropriation as follows:

- \$232,101 for personal services, which amount is based on an assumption that the division will require an additional 3.0 FTE; and
- \$27,150 for operating expenses.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1208** Natural disaster mitigation - enterprise - fee - natural disaster mitigation grants - local government natural disaster technical assistance. The act creates the natural disaster mitigation enterprise (enterprise). The enterprise is governed by a board of directors, imposes a fee on insurance companies that offer certain insurance policies or contracts, and uses the fee revenue to finance the natural disaster mitigation grant program and provide local governments technical assistance on natural disaster mitigation. The enterprise awards natural disaster mitigation grants to assist in the implementation of resilience and natural disaster mitigation measures and to assist entities that apply for federal grants that require matching funds and are dedicated to assisting in the implementation of pre-disaster natural disaster mitigation measures.

Beginning July 1, 2023, the enterprise collects the fee annually from insurers that offer certain policies or contracts. For an insurer, the fee is equal to \$2 multiplied by the number of certain policies or contracts of insurance held by the insurer that cover property or risks in the state. These policies include:

- Fire;
- Allied lines;
- Private crop;
- Farmers multiple peril;
- Homeowners multiple peril; and
- Commercial multiple peril.

Insurers may recoup the cost of the fee from their policy holders, but insurers may not raise their premiums based on the fee.

The board of directors of the enterprise shall submit a report by July 1 of each year to the committees of reference of the general assembly to which the department of public safety is assigned regarding the grant program. Both the enterprise and the fee are repealed, effective January 1, 2030.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1212** Governor - appointments to boards and commissions - diversity. The act requires the governor to make reasonable efforts to appoint members of diverse groups to statewide boards, commissions, committees, and task forces authorized by the general assembly.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1215** Department of local affairs - expansion of justice reinvestment crime prevention initiative - appropriation. The justice reinvestment crime prevention initiative (initiative), administered by the Colorado department of local affairs in the division of local government (department), incorporates programs that expand small business lending and provide grants aimed at reducing crime and promoting community development in certain target communities. Effective September 1, 2021, the act:

- Expands the initiative to include Grand Junction and Trinidad; and
- Adds a statewide business and entrepreneurship training and grant program for justice-system-involved persons to the initiative.

The act also modifies the sunset review and repeal date for the initiative from September 1, 2023, to September 1, 2027, and makes an appropriation.

**APPROVED** by Governor June 17, 2021

**EFFECTIVE** June 17, 2021

**H.B. 21-1223** Office of economic development - outdoor recreation industry office - creation. The act creates the outdoor recreation industry office in the office of economic development. The director of the outdoor recreation industry office is designated by and reports to the director of the office of economic development.

The outdoor recreation industry office serves as a central coordinator of outdoor recreation industry matters.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1225** Electronic recording technology board - continuation - modifications. The electronic recording technology board (board), which was created in 2016, makes grants to counties to establish, maintain, improve, or replace their electronic filing systems. These grants are from surcharges collected by county clerk and recorders and transmitted to the state for deposit in the electronic recording technology fund. The act makes the following changes related to the board:

- Delays the repeal and sunset review of the board by 4 years so that it will take place just over 10 years after the board's creation;
- Extends the surcharge that is collected by county clerk and recorders and transmitted to the board;
- Extends the board's annual reporting requirement about its grants for 4 more years and requires an additional 5-year report about the overall success of the program;
- Permits the board to make grants to a county to improve the security of its

- general information technology systems, if the improvement is necessary to improve the security of the county's electronic filing system; and
- Specifies that the board may approve a grant application to establish, maintain, improve, or replace an electronic filing system, notwithstanding that a portion of the grant will be used to enable the system to receive, store, manage, and provide online access to public documents that are maintained by the county clerk and recorder but that are not related to real property.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1230** Statewide internet search interface - rule-making proceedings - deadline to implement - appropriation. The act directs the office of information technology (office) to:

- Develop a centralized, statewide search interface for access to all agency rule-making that is highly visible on the state's main website and that meets various standards specified in the act; and
- Make the search interface available for use by June 30, 2022.

The secretary of state and other state agencies are directed to provide access to the code of Colorado regulations, the Colorado register, and rule databases to the office to facilitate the development of the interface.

The act appropriates \$368,194 from the general fund to the office of the governor for use by the office. The act also appropriates \$108,718 from the department of state cash fund to the department of state.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**H.B. 21-1235** State government - public safety - fire prevention and control - fireworks - licenses. The act clarifies that it is unlawful for a person who is licensed as a retailer, display retailer, wholesaler, or exporter of fireworks to sell, offer for sale, expose for sale, possess with intent to sell, deliver, consign, give, or otherwise furnish fireworks outside the scope of what the license permits.

The act amends requirements for an exporter to sell certain fireworks for transport in the purchaser's vehicle so that it is unlawful unless the purchaser displays to the exporter a valid motor vehicle driver's license and a valid wholesale, retail, or resale license number issued by a state or local authority located outside of Colorado. The exporter is required to record the motor vehicle driver's license number and the wholesale, retail, or resale license number.

**H.B. 21-1236** State information technology - modernization of statutes. The act modifies the laws that create the joint technology committee (JTC), the Colorado cybersecurity council (council), and the office of information technology (office), to reflect the current information technology (IT) environment and direction in the state.

Modifications related to the JTC are as follows:

- Updates definitions used by the JTC to be consistent with the definitions used by the office; and
- Allows the JTC to request information and presentations regarding data privacy and data security, specifies that the JTC oversees any state agency that has been delegated IT functions by the office, and makes other modifications to make the provisions governing the JTC and the office consistent.

Modifications related to the council are as follows:

- Specifies additional functions of the council, modifies the composition of the council, and allows the council to coordinate with other entities regarding cybersecurity.

Modifications related to the office are as follows:

- Consolidates all of the definitions that apply to the office into one section and updates some definitions to align with best practices and industry standards;
- Relocates provisions of current law regarding the information technology revolving fund and the coordination of the statewide geographic information system;
- Repeals and reenacts the roles and responsibilities section of law for the office and defines the office's roles and responsibilities in connection with IT;
- adds additional responsibilities when a state agency undertakes a major IT project, when a state agency is the business owner of an IT system, and when the office is involved in a state agency's IT project only as a party to the contract;
- Authorizes the office to delegate an IT function to a state agency and specifies procedures and requirements that the office and the state agency are required to follow when such delegation occurs;
- Repeals and reenacts the current provisions in law regarding the duties and responsibilities of the chief information officer (CIO) and updates the duties and responsibilities of the CIO;
- Relocates current law that authorizes the revisor of statutes to change certain statutory references in connection with the creation of the office;
- Updates the timelines and dates for the development of IT security plans and certain required reports regarding those plans for state agencies, institutions of



- higher education, and the legislative branch;
- Repeals and reenacts current law regarding interdepartmental data protocol that governs data-sharing among state agencies and specifies requirements of the office and the government data advisory board regarding the creation of a data-sharing and privacy master plan and additional requirements for when a state agency shares personal identifying information with another state agency; and
- Updates the office's annual reporting requirement to the general assembly regarding IT asset inventory.

The act makes conforming amendments and repeals obsolete provisions regarding the consolidation of IT functions to the office, the transfer of employees and officers to the office, the creation of a work eligibility verification portal, the creation and implementation of the Colorado financial reporting system, and a reporting requirement on the transfer of IT infrastructure ownership. The act also repeals provisions regarding the statewide communications and information infrastructure that are incorporated into other provisions of law.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1237** Pharmacy benefits manager for state employee group benefit plans - procurement - contract management. The department of personnel (department) is required to contract for the services of a pharmacy benefit manager (PBM) for group benefit plans provided pursuant to the "State Employees Group Benefits Act" (state employee group benefits plans) and to procure a technology platform with the required capabilities for conducting a PBM reverse auction and the related services of a technology platform operator.

The department is required to repurpose the technology platform used to conduct the reverse auction over the duration of the PBM services contract to perform reviews of all invoiced PBM prescription drug claims, and to identify all deviations from the specific terms of the PBM services contract. The department is required to reconcile the electronically adjudicated pharmacy claims with PBM invoices to ensure that state payments do not exceed the terms specified in any PBM services contract.

Each PBM reverse auction is required to be completed and the PBM services contract awarded to the winning PBM within a specified timeline.

The department may perform a market check for providing PBM services during the term of the current PBM services contract to ensure continuing competitiveness of incumbent prescription drug pricing over the life of a PBM services contract.

To ensure that the department does not incur additional expenditures associated with

the requirements of the act, the department is required to implement a no-pay option that obligates the winning PBM to pay the cost of the technology platform and related technology platform operator services by assessing a per-prescription fee and requiring the PBM to pay these fees to the technology operator over the duration of the PBM services contract.

The act allows other health plans to use the processes and procedures established in the act individually, collectively, or as a joint purchasing group with the state employee group benefits plans.

After completion of the first state employees group benefits plans PBM reverse auction, self-funded private sector employer or multi-employer health plans have the option to participate in a joint purchasing pool with state employees for conduct of subsequent PBM reverse auctions.

The state employees group benefits plans and any self-funded public or private sector health plans that opt to participate with the state employees group benefits plans in a joint PBM reverse auction purchasing pool shall retain full autonomy over determination of their respective prescription drug formularies and pharmacy benefit designs and shall not be required to adopt a common prescription drug formulary or common prescription pharmacy benefit design.

Any PBM providing services to the department or a self-funded public or private sector employee health plan is required to provide the department and the plan access to complete pharmacy claims data necessary to conduct the reverse auction and carry out their administrative and management duties.

The department may elect to vacate the outcome of a PBM reverse auction if the lowest cost bid is not less than the projected cost trend for the incumbent PBM contract as verified by the department.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** June 7, 2021

**H.B. 21-1241** Office of economic development - revolving loan program to assist transitions of businesses to employee-owned businesses - eligibility criteria - loan terms. The act modifies requirements for an existing loan program (program) created to assist transitions of businesses to employee-owned businesses. The act repeals statutory eligibility requirements and requires the office of economic development (office) to establish eligibility criteria for the program. The criteria must include an annual gross revenues limitation for participation in the program for businesses, which amount may be set at up to or less than \$50 million. The criteria must also establish requirements for the number of employees who will be offered the option to participate in the employee-ownership opportunity.

A loan under the program may be used toward the purchase of the business by the employees. The act repeals requirements related to the size of the loans and how the loans must be held and requires the office to establish requirements for the terms of the loans

pursuant to existing statutory requirements.

Under the current statute, the program is repealed effective July 1, 2022. The act extends the program through July 1, 2025.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** May 21, 2021

**H.B. 21-1250** Police accountability - body-worn camera operations - data reporting - certification sanctions - peace officer whistle blower protection - civil action for misconduct against Colorado state patrol - due process P.O.S.T. board complaints - peace officer misconduct database - media access to encrypted radio communications - no-knock entry warrants and forced entry study group - evidenced-based policing best practices study - appropriations. The act makes changes to the provisions of Senate Bill 20-217, enacted in 2020, (SB 217) to provide clarity and address issues discovered since the passage of that bill. SB 217 used the term "exonerated", but never defined it; the act defines "exonerated" and further clarifies the term "contact".

The act clarifies some of the circumstances when a body-worn camera must be operating and provisions related to the release of the footage. The act changes the requirement that body-worn camera recordings be released within 21 days from the date of the complaint of misconduct to within 21 days from the date of the request for the video recording. The act states the sanctions for failing to activate a body-worn camera and the 21-day release requirement will take effect on passage of the act if the officer is wearing a body camera and the other body-camera provisions apply on or after July 1, 2022, if an officer is wearing a body-worn camera, even though the requirement for all officers to wear a body camera does not take effect until July 1, 2023. The act requires \$2 million to be appropriated to the body-worn camera for law enforcement officers grant program in fiscal year 2021-22.

SB 217 required law enforcement to report certain information related to each contact an officer has with a person beginning January 1, 2023. The act changes the start date of the reporting requirement to April 1, 2022. The act clarifies and adds to some of the information that must be reported.

If a peace officer is convicted of, found civilly liable for, or found liable in an administrative proceeding for unlawful use of force or failure to intervene, the officer certification must be revoked if death or serious bodily injury occurred or, if serious bodily injury or death did not occur, then the certification must suspended for at least a year. The act creates a process to allow a peace officer to have a hearing by an administrative law judge to determine whether the peace officer's certification should be suspended or revoked.

The act prohibits a peace officer's employer or the employer's agent from discharging; disciplining; demoting; denying a promotion, transfer, or reassign; discriminating against; harassing; or threatening a peace officer's employment because the peace officer disclosed information that shows:

- A danger to public health or safety; or
- A violation of law or policy committed by another peace officer.

Under current law, there is a civil action that permits suit against employers of local law enforcement officers for misconduct. The act permits the Colorado state patrol to also be sued via that civil action. The act also requires the employer to conduct an investigation of an officer prior to determining if the officer acted in good faith.

If a person believes that a law enforcement agency has violated the investigation requirement, the person must submit a complaint to the P.O.S.T. board, which shall refer the complaint to an administrative law judge to determine whether a violation occurred. The administrative law judge shall notify the P.O.S.T. board chair of a finding that a violation occurred. If a violation is found, the P.O.S.T. board shall not provide P.O.S.T. cash fund money to the employer for one full year from the date of the finding.

Peace officers are required to intervene to prevent or stop unlawful force by another peace officer; the act clarifies the duty only applies to officers while on duty.

The act requires that prior to hiring a new employee, appointing a new employee, or transferring an existing employee to a position requiring P.O.S.T. certification, a law enforcement agency shall determine if the person has a record contained in the P.O.S.T. misconduct database. If the person is listed in the database and the law enforcement agency proceeds to employ the person in a position requiring P.O.S.T. certification, the agency shall notify the P.O.S.T. board of the hire, appointment, or transfer.

The act clarifies and adds to some of the information required to be included in the P.O.S.T. board database related to peace officer misconduct. The act requires the P.O.S.T. board to adopt procedures to allow a peace officer to seek review of the officer's status in the database.

The act requires a governmental entity that encrypts its radio communications to adopt an encryption policy to provide access to unencrypted radio transmissions for members of the media.

The act requires the attorney general to convene a study group to study procedures related to the use of no-knock entry warrants and forced entry. The attorney general shall include the study group's findings in its annual "SMART Act" hearing for the 2022 legislative session.

The act requires the division of local government in the department of local affairs to contract with a nationally recognized research and consulting entity that is an expert in data-driven, evidence-based policing that is community-focused for an independent study to assess and provide a report and findings on evidenced-based policing national best practices. The consulting entity shall complete an interim study no later than December 30, 2021, and the final study no later than July 1, 2022. An advisory committee is created to the oversee the study and make legislative recommendations based on the studies.

For the 2021-22 state fiscal year, the act appropriates \$4,065,016 to the department of public safety, of which \$3,101,748 is from the general fund and \$963,268 is from the highway users tax fund and provides an additional 13.5 FTE. The act appropriates \$582,742 from the risk management fund to the department of law and provides an additional 3.0 FTE. The act appropriates \$250,000 from the general fund to the department of local affairs.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**H.B. 21-1257** Capitol complex - park name change - appropriation. On and after May 31, 2021, the act changes the name of Lincoln park and Liberty park in the capitol complex to "Lincoln veterans' memorial park".

The act makes an appropriation.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

**H.B. 21-1263** Colorado tourism office - meeting and events incentive program - rebates - eligible events - appropriation. The act creates the Colorado meeting and events incentive program (program) in the Colorado tourism office (office) to provide rebates and direct support to eligible events in Colorado to assist in the state's recovery from the COVID-19 pandemic.

An eligible event means an event, including a meeting, conference, or festival, that:

- Takes place in Colorado between July 1, 2021, and December 31, 2022;
- Can demonstrate a significant economic benefit for the host community as determined by the office;
- Generates at least 25 paid overnight stays in a motel, hotel, vacation rental, or other lodging establishment; and
- Meets any additional criteria established by the office.

The program may offer rebates of up to 10% of the hard costs of an eligible event. A hard cost means an actual incurred cost associated with hosting the event, as determined by the office in consultation with industry stakeholders. The program may also offer rebates of up to 25% for COVID-19-related costs, which are hard costs that are directly related to complying with public health orders or other mandates issued in response to the COVID-19 pandemic, as determined by the office in consultation with industry stakeholders. The primary organizer or booking agent, as determined pursuant to guidelines developed by the office, may apply for and receive the rebate for an eligible event.

The program may provide direct support to attract eligible events that have the potential to generate significant economic impact and affect multiple counties. The costs of all such direct support cannot exceed 5% of the total appropriation for the program.

The office is required to create guidelines for the program. In doing so, the office must consider mechanisms to:

- Make rebates and direct support available equitably and proportionally across the state;
- Prioritize events with significant economic impacts; and
- Retain existing events with a demonstrated risk of cancellation, delay, or relocation in addition to attracting new events to the state.

The act appropriates \$10 million to the office for the program. The program is repealed, effective January 1, 2024.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

**H.B. 21-1271** American Rescue Plan Act - local government affordable housing development incentives grant program - local government planning grant program - affordable housing guided toolkit and local officials guide program - adoption of policies, procedures, and guidelines for grant funding - required fund transfers for funding of grant programs - reports describing grant funding - assistance by office of smart growth to local governments for critical planning needs. The act creates 3 different programs in the department of local affairs (DOLA) for the purpose of offering grant money and other forms of state assistance to local governments to promote innovative solutions to the development of affordable housing across the state.

**Local government affordable housing development incentives grant program** (housing development incentives grant program). This program will provide grants to local governments that adopt not less than 3 policy and regulatory tools from among a menu of options that create incentives to promote the development of affordable housing. A local government that adopts such tools is eligible for a grant from the housing development incentives grant program as an incentive to develop one or more affordable housing developments in their community that are liveable, vibrant, and driven by community benefits. The division of local government (DLG) within DOLA administers the housing development incentives grant program.

The act enumerates items included in the menu of policy and regulatory tools.

**Local government planning grant program.** This program will provide grants to local governments that lack one or more of the policy and regulatory tools that provide incentives to promote the development of affordable housing that forms the basis for a grant under the housing development incentives grant program and that could benefit from additional funding to be able to create and make use of these policy and regulatory tools. Money under the planning grant program will be available to a local government to enable the government to retain a consultant or a related professional service to assess the housing needs of its community or to make changes to its policies, programs, development review processes, land use codes, and related rules to become an eligible recipient of a grant under

the housing development incentives grant program. The planning grant program will be administered by the DLG. As part of its administration of the planning grant program, the DLG will provide assistance to local governments on best land use practices and tools and is required to update and publish model county and municipal land use codes for the benefit of local governments across the state.

**The affordable housing guided toolkit and local officials guide program** (housing toolkit program). This program creates the housing toolkit program within the division of housing (DOH) within DOLA. The purpose of the housing toolkit program is to award funding to qualified counties, and municipalities, and federally recognized tribes within the state selected in a competitive process who commit to the adoption of best land use practices with demonstrated success in the development of affordable housing. Under the housing toolkit program, technical assistance will be provided by consultants and related professionals to local governments who demonstrate an understanding of the housing needs of their communities, take steps to engage their entire communities in this process, make changes to their land use codes and related processes that provide incentives and reduce barriers to the development of affordable housing, obtain and support viable sites in their communities for the development of affordable housing, and attract developers committed to making such investments in their communities. The DOH is to administer the housing toolkit program.

In evaluating applications for grants from the housing development incentives grant program, the act requires the DLG to prioritize proposals submitted by local governments based on factors specified in the act.

On or before September 1, 2021, the act requires the executive director of DOLA or the executive director's designee to adopt policies, procedures, and guidelines for the 3 different state assistance programs that include, without limitation:

- Procedures and timelines by which an eligible recipient may apply for a grant;
- Criteria for determining the amount of grant awards;
- Performance criteria for grant recipients' projects; and
- Reporting requirements for grant recipients.

On the effective date of the act, or as soon as practicable thereafter, the state treasurer is required to transfer \$30,000,000 from the affordable housing and home ownership cash fund to the Colorado heritage communities fund and \$9,300,000 from the general fund to the Colorado heritage communities fund. DLG must use this money transferred for the creation, implementation, and administration of the housing development incentives grant programs.

On the effective date of the act, or as soon as practicable thereafter, the state treasurer is required to transfer \$5,000,000 from the affordable housing and home ownership cash fund to the Colorado heritage communities fund and \$2,100,000 from the general fund to the Colorado heritage communities fund. DLG must use this money transferred for the creation, implementation, and administration of the planning grant program.

On the effective date of the act, or as soon as practicable thereafter, the state treasurer is required to transfer \$1,600,000 from the general fund to the housing development grant fund for the creation, implementation, and administration by the DOH of the housing toolkit program.

All costs incurred in administering any of the 3 programs created under the act must be paid out of the money transferred under the act. All money transferred under the act for the 3 state programs must be expended over the subsequent 3 state fiscal years.

On or before November 1 of each year, the executive director of DOLA or the director's designee is required to publish a report summarizing the use of all assistance that was awarded from the 3 different programs created under the act in the preceding fiscal year. The act specifies additional required contents of the reports. The reports must be shared with the general assembly and posted on DOLA's website.

The act updates and repeals obsolete statutory provisions concerning the office of smart growth (OSG) within DOLA and the Colorado heritage communities fund.

The act authorizes the OSG, as money becomes available, to provide grants or other forms of assistance to counties and municipalities to address critical planning issues and specifies examples of the forms of assistance that may be provided by the office. The OSG is required to create guidelines to specify the activities on the part of local governments that will qualify for grant funding or other forms of assistance provided under the act. The OSG is permitted to use available money to administer the Colorado heritage grant program.

The act appropriates \$39,300,000 to DOLA from the Colorado heritage communities fund for the affordable housing development incentives grant program.

The act appropriates \$7,100,000 to DOLA from the Colorado heritage communities fund for the local government planning grant program.

**APPROVED** by Governor June 27, 2021

**EFFECTIVE** June 27, 2021

**NOTE:** Provisions of the act are contingent on the passage of HB 21-1329. House Bill 21-1329 was approved by the governor June 25, 2021.

**H.B. 21-1274** Unused state-owned real property - inventory - seek proposals to construct affordable housing, child care, public schools, residential mental and behavioral health care, or to place renewable energy facilities on unused state-owned real property where suitable - approval by capital development committee. The act requires the department of personnel (department) to create and maintain an inventory of unused state-owned real property and to determine whether the unused state-owned real property identified is suitable for construction of affordable housing, child care, public schools, residential mental and behavioral health care, or for placement of renewable energy facilities, or if such property is suitable for other purposes. The act defines unused state-owned real property as real property owned by or



under the control of a state agency, not including the division of parks and wildlife in the department of natural resources and not including the state board of land commissioners or any state institution of higher education.

The department is authorized to seek proposals from qualified developers to construct affordable housing, child care, public schools, residential mental and behavioral health care, or to place renewable energy facilities on unused state-owned real property that the department has deemed suitable. Budget requests for those purposes must be made through the current budgetary process; except that budget requests may not be made through a request for a supplemental appropriation.

The department is authorized to enter into contracts with qualified developers for proposals to construct affordable housing, child care, public schools, residential mental and behavioral health care, or to place renewable energy facilities, on unused state-owned real property that the department has deemed suitable, subject to available appropriations. Prior to entering into contracts, the department must first submit a report to capital development committee (CDC) that outlines the anticipated use of the property. The department may not enter into contracts without the approval of the CDC.

The act creates the unused state-owned real property cash fund to which the state treasurer is required to credit all proceeds from the sale, rent, or lease of unused state-owned real property.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1279** Interstate compact - occupational therapy licensure - provisional licenses - rules. The act enacts the "Occupational Therapy Licensure Interstate Compact" (compact), allowing occupational therapists and occupational therapy assistants who are licensed in any state that is a member of the compact to provide occupational therapy services in other member states.

The director of the division of professions and occupations in the department of regulatory agencies is authorized to issue provisional occupational therapy licenses and provisional occupational therapy assistant licenses to certain qualified individuals and to implement the compact, including through the adoption of rules and the regulation of telehealth in accordance with the compact.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**H.B. 21-1284** Limitation on aggregate fees or charges levied by the state or other political subdivisions - installation of active solar energy system - different fee limits for residential and commercial permits - recovery of governmental body's actual costs - extension of repeal date. Current law imposes a limitation on the permit, application review, or any other related or associated fees that may be assessed by counties, municipalities, state agencies, and political subdivisions of the state for the installation of an active solar electric or solar thermal device or system. The act modifies this language so that the limitation applies to the aggregate of all charges or other related or associated fees the state, a county, municipality, state agency, or any other political subdivision of the state (governmental bodies) imposes or assesses for the installation of an active solar energy system.

The act sets a limit on the aggregate of all charges or other related or associated fees any governmental body may impose or assess to install an active solar energy system of \$500 for a residential permit and \$1,000 for a commercial permit. In the case of a nonresidential application, on an individual installation basis only, if the governmental body incurs actual costs for issuing the permit that are greater than \$1,000, the governmental body is entitled to recovery of its actual costs for issuing the permit by submitting in writing and disclosing to the applicant for the particular permit proof of the governmental body's actual costs.

In connection with existing statutory requirements affecting state agencies and political subdivisions, the act clarifies that the duty to clearly and individually identify all fees and taxes assessed on an application on the invoice lies with the state or any agency, institution, authority, or political subdivision of the state.

Under existing law, one component of determining the lawful fee for issuing a permit or reviewing an application requires a comparison of the lesser of the actual costs of providing such services or \$500 for a residential application. The act restricts a governmental body from increasing its fees or other charges by more than 5% on an annual basis until the \$500 limitation is achieved.

The act also extends the repeal date of the fee limitation from July 1, 2025, to December 31, 2029.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1285** Creative industries funding - programs to support film, television, and media industry - arts relief program - cultural facility programs for historically marginalized and under-resourced communities - appropriations and transfers. The act:

- Transfers \$5 million from the general fund to the Colorado office of film, television, and media operational account cash fund and appropriates that amount to the governor's office for use in the 2021-22 state fiscal year by the

Colorado office of film, television, and media in awarding performance-based incentives for film production in Colorado and for the loan guarantee program to finance production activities;

- For the 2020-21 state fiscal year, appropriates \$3.5 million, in addition to the amount appropriated pursuant to Senate Bill 20B-001, from the general fund to the creative industries cash fund for the arts relief program and removes the prohibition against an applicant that received a relief payment from the small business relief program from also receiving a relief payment under the arts relief program;
- For the 2020-21 state fiscal year, appropriates \$1.5 million from the general fund to the creative industries cash fund for allocation by the creative industries division to a nonprofit organization that administers grants to certain cultural facilities that focus on programming for and have board representation from defined historically marginalized and under-resourced communities; and
- Transfers the following amounts of money appropriated for the small business relief program that is not encumbered or expended by June 30, 2021:
  - Up to \$12 million to the creative industries cash fund for the arts relief program; and
  - Up to \$1 million to the Colorado office of film, television, and media operational account cash fund for performance-based incentives for film production in Colorado and for the loan guarantee program to finance production activities.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

**H.B. 21-1288** Office of economic development - Colorado startup loan program - creation - appropriation. The act creates the Colorado startup loan program (program) in the office of economic development (office) as a revolving loan program to provide loans and grants to businesses seeking capital to start, restart, or restructure a business. The office must contract with a business nonprofit organization, bank, nondepository community development financial institution, or other entity to administer the program, and does not have direct lending authority to make loans under the program.

The office or an administrator is required to establish policies for the program, including:

- The process and deadlines for applying to the program;
- The eligibility criteria for businesses;
- Maximum assistance levels for loans and grants;
- Loan terms, program fees, and underwriting and risk management policies; and
- Reporting requirements for recipients.

The policies must be developed with the goal of generating enough return to replenish the Colorado startup loan program fund for further loan allocations.

In determining the eligibility of applicants and the size and terms of loans and grants, the office or an administrator must consider:

- The need of the business to restructure as a result of the COVID-19 pandemic or the ability of the business to fill gaps left by closures resulting from the COVID-19 pandemic;
- The financial losses or other impacts from the COVID-19 pandemic that may inhibit an entrepreneur from obtaining capital through traditional sources;
- Whether the applicant or the applicant's community faces other barriers to accessing capital from traditional sources; and
- The applicant's financial needs and the likelihood the applicant would need to be supported by a nontraditional lender.

If the administrator determines that an applicant would likely be eligible to receive a loan and may obtain more favorable terms from a traditional financial institution, the administrator must notify the applicant in a timely manner.

The office is required to work with the minority business office and other stakeholders to promote the program to businesses that are owned by women, minorities, and veterans and to businesses in rural and underserved communities. By September 1, 2021, the office is required to develop and administer a marketing initiative for the program in coordination with the minority business office and other stakeholders.

The act creates the Colorado startup loan program fund. The state treasurer is required to transfer \$30 million from the general fund to the Colorado startup loan program fund on the effective date of the act. The money is continuously appropriated to the office for the program. In addition, \$10 million is appropriated from the economic recovery and relief cash fund to the Colorado startup loan program fund. This money is continuously appropriated to the office to provide loans and grants through the program to respond to the negative impacts of the COVID-19 pandemic, subject to the requirements in state and federal law.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**NOTE:** Certain provisions of the act are contingent on the adoption of Senate Bill 21-291. Senate Bill 21-291 was approved by the governor June 21, 2021.

**H.B. 21-1289** American Rescue Plan Act - office of information technology - broadband deployment - codification of Colorado broadband office - creation of digital inclusion, broadband stimulus, and interconnectivity grant programs - use of federal stimulus money - appropriations. Section 1 of the act declares the general assembly's intent to spend a portion of the money received by the state under the federal "American Rescue Plan Act" for broadband infrastructure and telehealth capabilities.

Sections 2 and 3 extend the grant award distribution and reporting dates for the connecting Colorado students grant program.

Section 6 requires the office of information technology (office) to:

- Enter into an agreement with a third-party vendor to develop and implement a strategic plan to expand and improve digital access to government services through the use of broadband;
- Consult with various stakeholders in developing the strategic plan; and
- On or before July 1, 2022, report to the joint technology committee on the development and implementation of the strategic plan.

Section 7 establishes the Colorado broadband office (broadband office) in the office as a statutory **type 1** entity. Section 7 also creates the digital inclusion grant program fund and directs the state treasurer to transfer \$35 million from the economic recovery and relief cash fund to the fund for use by the broadband office to implement the digital inclusion grant program to award grant money to proposed broadband deployment projects throughout the state. Grant recipients other than Indian tribe or nation recipients are prohibited from using the grant money for last-mile broadband deployment. Section 7 also defines "community anchor institution" in relation to grants awarded through the digital inclusion grant program.

Section 4 requires the chief information officer in the office to appoint a director of the broadband office. Section 5 aligns the bill with House Bill 21-1236. Section 16 provides that section 5 only becomes effective if House Bill 21-1236 is enacted.

Section 8 defines "community anchor institution", "critically unserved", "income-qualified plan", and "school" in relation to grants awarded by the broadband deployment board (board) for proposed broadband deployment projects throughout the state.

Section 9 creates the broadband stimulus grant program (grant program) and requires the board to implement the grant program by awarding grant money from the broadband stimulus account created in the broadband administrative fund. The state treasurer is directed to transfer \$35 million from the economic recovery and relief cash fund to the account for this grant program. The board is encouraged to award money under the grant program to applicants that previously applied for broadband deployment grants from the board but were denied due to insufficient funding. An applicant seeking money under the grant program must submit an income-qualified plan to the board.

Section 11 declares that high-speed broadband plays a critical role in enhancing local government and community development efforts and encourages coordinated approaches, including public-private partnerships, to broadband planning.

Section 12 defines terms related to the work of the division of local government in the department of local affairs (division) in deploying broadband, including "broadband facility" and "last-mile broadband infrastructure".

Section 13 requires the division to submit a copy of any application it receives for broadband deployment grant money to the broadband office for review. The broadband office must complete its review and provide the division with any recommendation regarding the

application within 30 days after the division sends the copy to the broadband office.

Section 13 also creates the interconnectivity grant program and requires the division to implement the grant program by awarding grant money for proposed projects that seek to achieve regional broadband deployment and provide interconnection between communities. Projects awarded money under this grant program, except for projects awarded to Indian tribes or nations, cannot use the money awarded for last-mile broadband deployment. To finance the grant program, section 13 also creates the interconnectivity grant program fund into which the state treasurer is directed to transfer \$5 million from the economic recovery and relief cash fund.

Section 14 appropriates:

- \$35 million from the digital inclusion grant program fund to the office for use by the broadband office to implement the digital inclusion grant program;
- \$35 million from the broadband stimulus account in the broadband administrative fund to the department of regulatory agencies for use by the board to implement the broadband stimulus grant program; and
- \$5 million from the interconnectivity grant program fund to the department of local affairs for use by the division to implement the interconnectivity grant program.

Sections 10 and 15 align the bill with House Bill 21-1109, which moves the board from the department of regulatory agencies to the office. Section 16 provides that sections 10 and 15 only become effective if House Bill 21-1109 is enacted. Section 16 provides that sections 8, 9, and 14 only become effective if House Bill 21-1109 is not enacted. Section 16 also provides that the act only becomes effective if Senate Bill 21-291, which creates the economic recovery and relief cash fund, is enacted.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**NOTE:** Certain provisions of the act are contingent on the adoption of Senate Bill 21-291. Senate Bill 21-291 was approved by the governor June 21, 2021.

**H.B. 21-1302** Small business COVID-19 grant program - award criteria - appropriation. Senate Bill 20-222, enacted in 2020, created a grant program financed through the federal "Coronavirus Aid, Relief, and Economic Security Act" to support small businesses suffering from the economic impacts of COVID-19 and related public health restrictions.

The act appropriates \$15 million from the general fund to continue the grant program until the end of the 2021-22 state fiscal year, modifies the criteria pursuant to which grants are awarded, adds certain preferences for awarding grants, and establishes limits on the amount of a grant to an individual small business.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**H.B. 21-1303** Department of transportation - office of the state architect - public projects - eligible materials - environmental product declaration. The office of the state architect and the department of transportation are each required to establish policies regarding the global warming potential for specific categories of eligible materials used to construct certain public projects.

The office of the state architect is required to establish a maximum acceptable global warming potential for each category of eligible material used in certain public projects under its purview. The act specifies which building materials are eligible materials. The office of the state architect is required to base the maximum acceptable global warming potential on the industry average of global warming potential emissions for that material and to express it as a number that states the maximum acceptable global warming potential for each category of eligible material.

The department of transportation is required to develop policies to determine, track, and record greenhouse gas emissions for each category of eligible materials used in certain public projects under its purview in a manner consistent with criteria in an environmental product declaration.

The office of the state architect and the department of transportation are both required to strive to achieve continuous reduction in greenhouse gas emissions in construction materials over time for the projects under their purview.

For solicitations for certain public projects under the purview of the office of the state architect or the department of transportation issued after certain dates, the contractor that is awarded the contract is required to submit a current environmental product declaration for each eligible material proposed to be used in the public project.

A contractor that is awarded a contract for certain public projects is prohibited from installing any eligible material on the project until the contractor submits an environmental product declaration for that material. If an environmental product declaration is not available for an eligible material, the contractor shall notify the relevant agency of government and install an alternative eligible material with an environmental product declaration. However, if a product meeting the policy requirements for a category of eligible materials is not reasonably priced or is not available to the contractor on a reasonable basis, the relevant agency of government may waive the requirement that the contractor submit an environmental product declaration for that eligible material before installing it.

The office of the state architect and the department of transportation are required to annually report to the general assembly regarding the implementation of the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1316** State accounts - replacement of the term lease purchase agreement in the Colorado Revised Statutes. The state controller is required to prescribe a unified system of accounts and prepare financial statements based on systems set forth by the governmental accounting standards board (GASB). Statement number 87 by GASB, which affects state and local government fiscal years after June 15, 2021, requires that a contract that transfers ownership of an asset be accounted for and reported as a financed purchase or sale of an asset, regardless of whether the contract is labeled by the parties as a lease.

Effective July 1, 2021, the act replaces the term "lease-purchase agreement", and, as necessary to effectuate the purpose of the act, substantially similar terms, with "financed purchase of an asset or certificate of participation agreement", and, as necessary to effectuate the intent of the act, substantially similar terms, throughout the Colorado Revised Statutes to clarify that, in accordance with GASB requirements, any such state or local public contract is to be accounted for and reported by the state controller as a financed purchase or sale of the underlying asset rather than as a lease.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** July 1, 2021

**H.B. 21-1319** Public projects - temporary modifications to prevailing rate requirements. Senate Bill 19-196, enacted in 2019, requires that a state agency (agency) specify a general prevailing rate of wages and other payments provided to employees (prevailing rate) in certain contracts for public projects, and it applies to state solicitations issued for projects (solicitations) on or after July 1, 2021.

For solicitations issued on July 1, 2021, through December 31, 2021, only, the act requires that the agency obtain the general prevailing rate directly from the United States department of labor. For solicitations issued on or after January 1, 2022, the agency must obtain the general prevailing rate from the director of the Colorado department of personnel and administration (department).

For solicitations issued on July 1, 2021, through December 31, 2021, only, the act requires that the agency keep a schedule of the prevailing rate on file for the life of the project. Beginning on January 1, 2022, the executive director of the department is required to keep a schedule of the customary prevailing rate in his or her office.

The act also permits the department to include only solicitations issued on or after January 1, 2022, rather than solicitations issued on or after July 1, 2021, in its annual reports detailing the amount of apprenticeship training contributions paid.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

**H.B. 21-1320** Sex offender management board - sunset. The act continues the functions of the sex offender management board until 2023.



**H.B. 21-1329** American Rescue Plan Act - affordable housing and home ownership cash fund - creation - uses - required transfer into the fund - task force to make recommendations on transformative changes in housing - transfer of money to benefit eviction legal defense fund. The federal government enacted the "American Rescue Plan Act of 2021" (federal act) to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and to assist them in their efforts to contain the effects of COVID-19 on their communities, residents, and businesses. Under the federal act, the state of Colorado receives over \$500 million to address the housing needs of populations, households, or geographic areas disproportionately affected by the COVID-19 public health emergency.

The act creates the affordable housing and home ownership cash fund (fund) in the state treasury. To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, the act authorizes the general assembly to appropriate or transfer money from the fund to a department or cash fund for programs or services that benefit populations, households, or geographic areas disproportionately impacted by the COVID-19 public health emergency, focusing on programs or services that address housing insecurity, lack of affordable housing, or homelessness.

Three days after the effective date of the act, the state treasurer is required to transfer \$550 million from the "American Rescue Plan Act of 2021" cash fund to the fund.

The act requires the division of housing (division) within the department of local affairs (department) to use the appropriation made by the act for programs or services of the type and kind financed through the housing investment trust fund or the housing development grant fund to support the programs or services that benefit populations, households, or geographic areas disproportionately affected by the COVID-19 public health emergency to obtain affordable housing, focusing on programs or services that address housing insecurity, lack of affordable and workforce housing, or homelessness, including the programs or services that are specified as authorized uses under the federal act.

Three days after the effective date of the act, the state treasurer is required to transfer \$1,500,000 from the fund to the eviction legal defense fund. The eviction legal defense fund is used to provide legal representation to indigent tenants to resolve civil legal matters resulting from an eviction or impending eviction caused by the COVID-19 public health emergency. Money transferred to the eviction legal defense fund is to be used to make grant awards to qualifying organizations that provide legal services to indigent clients.

The act requires the executive committee of the legislative council, by resolution, to create a task force to meet during the 2021 interim and issue a report with recommendations to the general assembly and the governor on policies to create transformative change in the area of housing using money the state receives from the federal act. The task force may include nonlegislative members and have working groups created to assist them.

For the 2021-22 state fiscal year, the act appropriates \$98,500,000 to the department for use by the division. This appropriation is from the fund and of money the state received from the federal coronavirus state fiscal recovery fund. To implement the act, the division may use the appropriation for the purposes specified in the statutory provisions creating the fund.

For the 2021-22 state fiscal year, the act appropriates \$200,000 to the legislative department for its implementation. This appropriation is from the fund and originates from the general fund.

For the 2021-22 state fiscal year, the act appropriates \$1,500,000 to the judicial department for use by the eviction legal defense fund. This appropriation is from the eviction legal defense fund and of money the state received from the federal coronavirus state fiscal recovery fund. To implant the act, the judicial department may use the appropriation for the purpose of providing legal representation to indigent tenants.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**NOTE:** The act is contingent on the adoption of Senate Bill 21-288. Senate Bill 21-288 was approved by the governor June 11, 2021.

## HEALTH AND ENVIRONMENT

**S.B. 21-18** Necessary document program - continuation - appropriation. The act continues the necessary document program (program) indefinitely. Beginning January 1, 2032, and each 5 years thereafter, the department of public health and environment shall report to the general assembly the total number of necessary documents acquired on an annual basis and any significant technological changes or other developments that affect the need for, or operation of, the program.

The act appropriates \$250,000 to the department of public health and environment for use by the office of health equity to implement the act.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

**S.B. 21-93** Advisory committees - healthcare-associated infections and antimicrobial resistance advisory committee - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies in its sunset review of and report on the healthcare-associated infections and antimicrobial resistance advisory committee by extending the committee indefinitely.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 1, 2021.

**S.B. 21-122** Opiate antagonists - bulk purchase - standing orders and protocols - eligible purchasers. Current law allows specific entities to purchase opiate antagonists through the opiate antagonist bulk purchase fund (fund) and also allows specific entities to receive opiate antagonists pursuant to standing orders and protocols. The act aligns these sections of law so that:

- A unit of local government may purchase opiate antagonists through the fund pursuant to a standing order and protocol; and
- A harm reduction organization, law enforcement agency, or first responder to which opiate antagonists have been prescribed or dispensed through a standing order and protocol may purchase the opiate antagonists through the fund.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** April 15, 2021

**S.B. 21-128** Nursing home penalty cash fund - modifications to administration. The act makes the following changes to the administration of the nursing home penalty cash fund (fund) and the nursing home innovations grant board (board):

- Transitions final authority over the administration of the fund from the Colorado department of health care policy and financing (HCPF) to the Colorado department of public health and environment (CDPHE);

- Transitions rule-making authority over the fund from HCPF to the state board of health;
- Transitions the authority to create a minimum reserve amount for the fund from the medical services board to the state board of health;
- Transitions authority over the board from HCPF to CDPHE effective July 1, 2021;
- Transitions all appropriations related to the fund to HCPF and CDPHE effective July 1, 2021;
- Makes a continuous appropriation to HCPF and CDPHE for the purposes of emergency funding needs;
- Limits the percentage of the amount of the grant appropriation that can be used for administration of the fund to 10% of the disbursed grants;
- Removes the provision allowing members of the board to be reimbursed for expenses;
- Adds a requirement that HCPF and CDPHE develop an annual budget to administer the fund and support the board;
- Adds a requirement that HCPF and CDPHE collaborate annually on any emergency funding needs and specifies that HCPF and CDPHE will administer such funding;
- Adds projects that compliment statewide quality and safety goals as a consideration in making a distribution from the fund; and
- Lengthens the period for CDPHE to provide notice of a violation to a nursing facility from 5 days to 10 days after inspection.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

**S.B. 21-158** Geriatric advanced practice providers - eligibility to participate in loan repayment program if practice in health professional shortage area - appropriation. The act modifies the Colorado health service corps program administered by the primary care office (office) in the department of public health and environment, which program includes a loan repayment program, to allow geriatric advanced practice providers, defined as advanced practice registered nurses and physician assistants with geriatric training or experience, to participate in the loan repayment program on the condition of committing to provide geriatric care to older adults in health professional shortage areas for a specified period.

For the 2021-22 state fiscal year, the act appropriates \$400,000 from the general fund to the Colorado health service corps fund for use by the office to help repay loans for geriatric advanced practice providers.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-181** Health disparities and community grant program - expansion - grant award criteria - assessment and report concerning health disparities and inequities - collaboration with state agencies - health equity commission - strategic plan to address social determinants of health - commission membership - appropriation. The act renames the existing "health disparities grant program" as the "health disparities and community grant program" (program) and expands the program to authorize the office of health equity (office) to:

- Award grants from money currently transferred from the prevention, early detection, and treatment fund to the health disparities grant program fund (fund) for the purpose of positively affecting social determinants of health to reduce the risk of future disease and exacerbating health disparities in underrepresented populations; and
- Award grants from any additional money appropriated by the general assembly to the fund to community organizations to reduce health disparities in underrepresented communities through policy and systems changes regarding the social determinants of health.

On or before July 1, 2022, and continuing every 2 years thereafter, the department of public health and environment (department), in collaboration with the health equity commission and other stakeholders, is required to conduct an assessment and publish a report concerning health disparities and inequities that includes an assessment of the impact of social determinants of health on health disparities and inequities and recommended strategies to begin to address such inequities.

Within 6 months after the publication of the department's first report, the governor is required to convene the health equity commission to develop an equity strategic plan and to ensure that there is coordination in equity-related work across state agencies to address the social determinants of health. Additional state agencies are added to and required to participate on the commission and are required to develop an equity strategic plan in the agency's respective area.

\$4,872,818 is appropriated to the department for use by the office of health equity to implement the act. Of the total amount appropriated, \$4,821,035 is from the general fund and \$51,783 is from the health disparities grant program fund.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**S.B. 21-243** American Rescue Plan Act - department of public health and environment - general assembly appropriations. For each of the 2021-22, 2022-23, and 2023-24 state fiscal years, the act requires the general assembly to appropriate \$21,090,149 to the department of public health and environment as follows:

- \$10,000,000 for distributions to local public health agencies; and
- \$11,090,149 for disease control and public health response.

The appropriation for the 2021-22 fiscal year is from the economic recovery and relief cash fund, which is comprised of money received by the state pursuant to the federal "American Rescue Plan Act of 2021". The appropriations for the 2022-23 and 2023-24 fiscal years will be from the general fund.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**NOTE:** Certain provisions of the act are contingent on the adoption of Senate Bill 21-291. Senate Bill 21-291 was approved by the governor June 21, 2021.

**H.B. 21-1107** Public health workers - prohibition on dissemination of personal information over the internet- creation of misdemeanor crime - public records. The act makes it unlawful for a person to make available on the internet the personal information of a public health worker if the dissemination of the personal information poses an imminent and serious threat to the public health worker's safety or the safety of the public health worker's family. "Public health worker" is defined in the act to include contractors or employees of contractors of the department of public health and environment or of county or district public health agencies, who are engaged in public health duties, and members of county or district boards of health, other than elected county commissioners. A violation of this law is a class 1 misdemeanor.

Further, a public health worker meeting certain requirements specified in statute may submit a written request to a state or local government official to remove personal information from public records that are available on the internet.

**APPROVED** by Governor May 18, 2021

**EFFECTIVE** May 18, 2021

**H.B. 21-1115** Boards of health - training - recruiting. The act requires members of a county board of health or a district board of health and members of the state board of health, on and after January 1, 2022, to attend both annual public health training provided by the department of public health and environment and developed by the department of public health and environment along with the Colorado school of public health and annual public health training developed and provided by the department of public health and environment and the director of the office of emergency management concerning the role of a board of health in preparing for, responding to, and recovering from an emergency disaster.

The act also requires the department of public health and environment, on and after January 1, 2022, to develop guidance on recruiting persons to serve on county and district boards of health and to provide this guidance to any board of county commissioners, county board of health, or district board of health that requests it.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1119** Suicide - prevention, intervention, postvention. The act broadens the state's priorities and focus on suicide and suicide attempts and the after-effects of those actions on attempt survivors, family, friends, health-care providers, first and last responders, educators, and students in schools where a suicide or suicide attempt has occurred.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1162** Single-use plastic product regulation - carryout bags - bag fee - expanded polystyrene products - prohibitions on use - local government preemption lifted. Under current law, local governments are prohibited from requiring or banning the use or sale of specific types of plastic materials or products. The act repeals the prohibition on July 1, 2024.

The act prohibits stores and retail food establishments, on and after January 1, 2024, from providing single-use plastic carryout bags to customers; except that retail food establishments that are restaurants and small stores that operate solely in Colorado and have 3 or fewer locations may provide single-use plastic carryout bags. The prohibition does not apply to inventory purchased before January 1, 2024, and used on or before June 1, 2024, which may be supplied to a customer at the point of sale for a 10-cent or greater fee.

Between January 1, 2023, and January 1, 2024, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located.

On and after January 1, 2024, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located.

A store is required to remit, on a quarterly basis beginning April 1, 2024, 60% of the carryout bag fee revenues to the municipality or county within which the store is located and may retain the remaining 40% of the carryout bag fee revenues. A municipality or county may use its portion of the carryout bag fee revenues to pay for its administrative and enforcement costs and any recycling, composting, or other waste diversion programs or related outreach or education activities.

The carryout bag fee does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program.

The act prohibits a retail food establishment, on and after January 1, 2024, from distributing an expanded polystyrene product for use as a container for ready-to-eat food in this state. Retail food establishments that purchase expanded polystyrene products before

January 1, 2024, may continue to use the products until their supply is depleted.

The act also authorizes a local government to enforce against a violation of the act and expressly authorizes a county to impose a civil penalty against a store or retail food establishment of up to \$500 for a second violation or up to \$1,000 for a third or subsequent violation; except that a local government cannot enforce a violation committed by a retail food establishment located within a school.

On and after July 1, 2024, a local government may enact, implement, or enforce an ordinance, resolution, rule, or charter provision that is as stringent as or more stringent than the requirements set forth in the act.

The act does not apply to materials used in the packaging of pharmaceutical drugs, medical devices, or dietary supplements or any equipment or materials used to manufacture pharmaceutical drugs, medical devices, or dietary supplements.

**APPROVED** by Governor July 6, 2021

**PORTIONS EFFECTIVE** July 6, 2021

**PORTIONS EFFECTIVE** July 1, 2024

**H.B. 21-1169** Organ transplants - discrimination by health-care providers and transplant decision makers based on disability prohibited - treatment or service for organ transplant - civil actions for injunctive and equitable relief authorized - health care coverage for organ transplant. The act prohibits a health-care provider, hospital, or other entity involved in making a decision regarding a person's eligibility to receive an anatomical gift, organ transplant, or any related treatment or services from discriminating against that person solely on the basis of a disability. The act authorizes an aggrieved person to commence a civil action for injunctive and equitable relief in the appropriate district court.

The act also prohibits a health insurance carrier that provides coverage for an organ transplant from denying or limiting coverage to a covered person for an anatomical gift, organ transplant, or any related treatment or services due to a disability. The act clarifies that a health benefit plan is not required to include coverage for an organ transplant.

**APPROVED** by Governor May 6, 2021

**EFFECTIVE** May 6, 2021

**H.B. 21-1171** Kidney disease prevention and education task force - creation - powers and duties - report - repeal. The act creates the kidney disease prevention and education task force (task force) and makes an appropriation. The task force consists of members that are part of the general assembly and members that are not part of the general assembly. The task force's purpose is to evaluate and make recommendations to the general assembly about the detection, treatment, education, and awareness of kidney disease in Colorado.

The task force has the following duties:



- To work with various entities to create kidney disease educational programs and increase overall awareness of kidney disease in Colorado;
- To examine chronic kidney disease, transplantation, donation, and the higher rates of affliction in minority populations; and
- To develop a plan to raise awareness about kidney disease in Colorado, which shall include an ongoing campaign that incorporates health workshops, preventative screenings, social media campaigns, and television and radio commercials.

The task force is required to submit an initial and final report with its findings and recommendations to the department of health care and environment (department) by December 1, 2023, and August 31, 2026. The department is required to include the initial and final report of the task force as part of the department's presentation to its joint committees of reference at a hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

The department is required to select a Colorado medical center with a program dedicated to treating kidney disease to administer the task force. The task force is required to convene by November 1, 2021, and is required to meet at least 4 times every year. The task force is scheduled for sunset review and repeal on September 1, 2026.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

**H.B. 21-1189** Covered air toxics - covered facilities - fenceline monitoring - community monitoring - notification thresholds - appropriation. Current law defines as a "covered facility" a stationary source of air pollutants that reported in its federal toxics release inventory filing at least one of the following amounts of the following "covered air toxics" in one year:

- For hydrogen cyanide, 10,000 pounds;
- For hydrogen sulfide, 5,000 pounds; and
- For benzene, 5,000 pounds.

The act changes the definition of "covered facility" to include specific listed North American industry classification system codes and expands upon the requirements applicable to covered facilities by:

- Directing the air quality control commission to consider, at least every 5 years, adding new types of covered facilities and covered air toxics;
- Requiring that a covered facility's outreach to communities near the covered facility be conducted in the 2 most prevalent languages spoken in the communities; and
- Requiring covered facilities to conduct real-time fenceline monitoring of covered air toxics and to publicly report the results of the monitoring.

The act also requires the division of administration in the department of public health and environment to:

- Establish notification thresholds for covered air toxics, the exceedance of which covered facilities must disclose to the affected community; and
- Conduct community-based monitoring of covered air toxics in areas near covered facilities and to publicly report the results, and authorizes the division to spend up to \$800,000 from the general fund to buy a mobile air-quality monitoring van to use for community-based monitoring.

The act appropriates \$480,939 from the stationary sources control fund to the department of public health and environment to implement the act, of which \$12,761 is reappropriated to the department of law for the provision of legal services to the department of public health and environment and \$283,896 is reappropriated to the office of the governor for use by the office of information technology for the provision of information technology services for the department of public health and environment.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**H.B. 21-1247** Powers and duties of department - dispensation of payments under contracts with grantees. The act allows the department of public health and environment, in contracting with certain grantees for the provision of services, to dispense up to 25% of the total value of the payments under the contract to the grantee immediately upon the execution or renewal of the contract.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1251** Ketamine - law enforcement presence - EMS provider restrictions on administration - duty to report - duty to intervene - emergency medical practice advisory council - report - appropriation. When a peace officer is present at the scene of an emergency, an emergency medical service provider (EMS provider) authorized to administer ketamine in a prehospital setting shall only administer ketamine if the EMS provider has:

- Weighed the individual to ensure accurate dosage or estimated the individual's weight with the agreement of at least 2 personnel trained in weight assessment if the EMS provider is unable to weigh the individual;
- Training in the administration of ketamine;
- Training in advanced airway support;
- Equipment available to manage respiratory depression; and
- Equipment available to immediately monitor the vital signs of the individual receiving ketamine and the ability to respond to any adverse reactions.

An EMS provider who administers ketamine shall provide urgent transport to the individual receiving ketamine and record any complications arising out of such administration. Absent a justifiable medical emergency, an EMS provider shall not administer ketamine in a prehospital setting to subdue, sedate, or chemically incapacitate an individual for alleged or suspected criminal, delinquent, or suspicious conduct. Any noncompliance by an EMS provider is considered misconduct.

The act prohibits a peace officer from using, directing, or unduly influencing the use of ketamine upon another person and from compelling, directing, or unduly influencing an EMS provider to administer ketamine. A peace officer who is also certified as an EMS provider may administer ketamine when the decision is based on the EMS provider's training and expertise.

An EMS provider shall confidentially report a peace officer's violation to the peace officers standards and training board (P.O.S.T. board) within 10 days of the occurrence, and a peace officer shall not retaliate in any way against an EMS provider for reporting the incident. Upon receipt of the report, the P.O.S.T. board shall submit the report to the peace officer's employing agency, which shall conduct an internal investigation of the alleged violation and transmit the findings to the P.O.S.T. board. If the findings are substantiated, the peace officer's certification is subject to revocation.

A peace officer shall not unduly influence an EMS provider's medical decision or diagnosis, and an EMS provider shall not base its medical decision exclusively on information provided by a peace officer; except that a peace officer may provide critical medical information or any other pertinent information about the individual or the scene of the emergency that may assist the EMS provider's assessment of the need to administer ketamine. When a peace officer directs a person to assist the peace officer, the person is prohibited from administering ketamine.

The act requires a peace officer who witnesses another peace officer use ketamine in pursuance of the peace officer's duties to report such use to the P.O.S.T. board. The report must be in writing and made within 10 days of the occurrence of the use of ketamine. Any peace officer who fails to report use of ketamine commits a class 1 misdemeanor. Upon receipt of the report, the P.O.S.T. board shall submit the report to the peace officer's employing agency, which shall conduct an internal investigation of the alleged violation and transmit the findings to the P.O.S.T. board. If the findings are substantiated, the peace officer's certification is subject to revocation.

The act requires a peace officer to intervene, without regard for chain of command, to prevent or stop another peace officer from using ketamine in pursuance of the other peace officer's duties. A peace officer who intervenes shall report the intervention to the peace officer's immediate supervisor. A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening. Any peace officer who fails to intervene commits a class 1 misdemeanor, and the officer's certification is subject to revocation.

The act changes the structure of the emergency medical practice advisory council (advisory council) by adding an anesthesiologist and a clinical psychiatrist. The act requires the advisory council to submit a report to the general assembly any time the advisory council advises or recommends authorizing the administration of any new chemical restraints.

Beginning January 1, 2022, and each January 1 thereafter, the department of public health and environment (department) shall submit an annual report on the statewide use of ketamine by EMS providers and any complications that arise out of such use to the general assembly. The department shall make the report available on the department's website.

The act appropriates \$132,488 to the department of public health and environment for use by the health facilities and emergency medical services division to implement the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**H.B. 21-1266** Environmental justice - disproportionately impacted communities - engagement - task force - ombudsperson - advisory board - sunset review - greenhouse gas emission reductions - appropriation. Section 3 of the act defines "disproportionately impacted community" (DIC) as:

- A community that is in a census block group where the proportion of households that are low income, that identify as minority, or that are housing cost-burdened is greater than 40%; or
- Any other community as identified or approved by a state agency, if the community: Has a history of environmental racism perpetuated through redlining, anti-Indigenous, anti-immigrant, anti-Hispanic, or anti-Black laws; or is one where multiple factors may act cumulatively to affect health and the environment and contribute to persistent disparities.

Section 3 also requires the air quality control commission (AQCC) to promote outreach to and engage with DICs by creating new ways to gather input from communities across the state, using multiple languages and multiple formats, and transparently sharing information about adverse effects resulting from its proposed actions.

Section 4 creates the environmental justice action task force (task force) in the department of public health and environment (department), the goal of which is to propose recommendations to the general assembly regarding practical means to address environmental justice inequities, particularly within DICs. The department will report on the task force's activities during the department's "SMART Act" presentations. The task force will:

- Hold meetings to solicit public comment concerning the development of a state agency-wide environmental justice strategy and a plan to implement that strategy, including ways to address data gaps and data sharing between state agencies and the engagement of disproportionately impacted communities;

- Evaluate and propose recommended revisions to the definitions of DIC, "proposed state action", and "agency" and the state agencies and their proposed actions that are subject to section 3; and
- File a final report by November 14, 2022, regarding its recommendations.

Section 7 requires the AQCC to include greenhouse gas (GHG) in the list of air pollutants required to be reported in an air pollutant emission notice (APEN) and allows the AQCC to require that APENs for GHG report the previous calendar year's emissions of GHG in the form of carbon dioxide equivalent. Section 8 requires the AQCC to adopt rules, including permit processing fees, that apply to permits for sources of pollutants that cause or contribute to significant health or environmental impacts in DICs. Section 9 allows the division of administration in the department to reopen an air permit to add monitoring requirements for sources that affect DICs.

Section 12 creates in the department the position of an environmental justice ombudsperson and directs the ombudsperson to promote environmental justice for the people of Colorado, particularly as an advocate for DICs and as a liaison between DICs and the department. Section 12 also creates in the department the environmental justice advisory board and directs the board to advise the ombudsperson and to develop guidelines for a grant program to fund environmental mitigation projects that avoid, minimize, measure, or mitigate adverse environmental impacts in DICs.

Section 10 requires the AQCC to establish an annual APEN fee for GHG and authorizes the use of the fees to pay for the engagement of DICs required by section 3 and for the ombudsperson position created in section 12. Current law credits air quality fines to the general fund; section 13 creates the community impact cash fund and, over the course of 5 years, credits all of the fines to the fund, which is used to pay for environmental mitigation projects and the environmental justice advisory board.

Section 14:

- Allows the AQCC to adopt rules that add permit requirements for sources that affect DICs;
- Directs the AQCC to adopt rules that pursue near-term reductions in GHG emissions, including reducing GHG emissions from electric utilities by at least 48% by 2025 and 80% by 2030, relative to 2005 levels;
- Directs the division to prepare an annual report that indicates whether GHG emission reduction requirements are being met and, if not, to develop and propose additional requirements to the AQCC;
- Requires each wholesale generation and transmission electric cooperative to file with the public utilities commission (PUC) and the division an electric resource plan that will achieve at least an 80% reduction of GHG emissions by 2030, relative to 2005 levels;
- Requires certain electric utilities that serve at least 50,000 Colorado retail customers to either file a clean energy plan with the division or comply with AQCC rules that would require GHG emission reductions of at least 48% by 2025 and 80% by 2030, relative to 2005 levels;

- Requires the AQCC to adopt rules to reduce GHG emissions from oil and gas exploration, production, processing, transmission, and storage operations by at least 36% by 2025 and 60% by 2030, relative to 2005 levels;
- Requires the AQCC to adopt rules to reduce GHG emissions from the industrial and manufacturing sector in the state by at least 20% by 2030, relative to 2015 levels; and
- Authorizes the AQCC to adopt a rule or program that provides for the use of a trading program, including a comprehensive and centralized accounting system to track emissions from the sources that participate in the program.

Section 16 requires that the economic impact analysis for GHG rules must include an analysis of the social cost of greenhouse gases. Section 17 requires that the division make publicly available the data upon which its GHG forecast is based and requires that the forecast include at least one scenario that does not include emission reductions projected to occur pursuant to existing law.

Section 19 requires the just transition office in the division of employment and training in the department of labor and employment to develop a proposed long-term budget to adequately finance the just transition plan relating to the closure of coal-fired electric generation facilities. Section 20 modifies the mission statement for the Colorado energy office, including by adding the goal of supporting Colorado's transition to a more equitable, low-carbon, and clean energy economy and promoting resources that reduce air pollution and greenhouse gas emissions, including pollution and emissions from electricity generation, buildings, industry, agriculture, and transportation.

Existing law requires electric utilities to provide best value employment metrics to the PUC when applying for approval of new resource acquisitions. Section 22 requires the state auditor to study the implementation of the best value employment metrics requirement.

To implement the act, section 23 appropriates the following:

- \$2,550,218 from the general fund and the community impact cash fund to the department, of which amount \$382,680 is reappropriated to the department of law to provide legal services and \$239,642 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services; and
- \$146,703 from the general fund to the office of the governor for use by the Colorado energy office.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

**H.B. 21-1281** Disaster preparedness and behavioral health - community behavioral health disaster preparedness and response program - appropriation. The act requires the department of public health and environment (department) to implement the community behavioral health disaster preparedness and response program (program) using existing initiatives and

activities to ensure that behavioral health is adequately represented within disaster preparedness and response efforts across the state. The program is intended to enhance, support, and formalize behavioral health disaster preparedness and response activities conducted by community behavioral health organizations.

The act requires the department to promulgate rules as necessary for the oversight and management of the program; work collaboratively with community behavioral health organizations; create, define, and publish eligibility criteria for community behavioral health organizations to participate in the program; and provide funding to community behavioral health organizations on an annual or as-needed basis for the activities the organizations conduct.

The act appropriates \$529,801 and provides an additional 1.8 FTE to the department for use by the office of emergency preparedness response to implement the act.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**H.B. 21-1286** Energy use in buildings - benchmarking requirements - performance standards - rules - energy performance contract requirements. Section 1 of the act requires owners of certain large buildings (covered buildings), on an annual basis, to collect and report to the Colorado energy office (office) the covered building's energy use. The act establishes a process requiring certain electric and gas utilities to provide energy-use data to a covered building owner when requested by the covered building owner.

On or before October 1, 2021, the director of the office is required to appoint and convene a task force consisting of various building owners, building professionals, utility representatives, and local government representatives to recommend performance standards for adoption as rules by the air quality control commission (commission). The performance standards set forth in rule would need to achieve a reduction in greenhouse gas emissions of 7% by 2026 compared to 2021 levels as reported in energy benchmarking data and by 20% by 2030 compared to 2021 levels. The performance standards adopted must include a provision that an owner of a public building need only comply with the performance standards with regard to certain types of construction or renovation projects and only if the construction or renovation project has an estimated cost of at least \$500,000. Covered building owners would then need to demonstrate their compliance with the performance standards set forth in the commission's rules. The commission is also required to adopt rules regarding the issuance of waivers and extensions of time for performance standard compliance. The commission may adopt additional rules, as the commission deems necessary, to modify or continue the performance standards.

Section 2 authorizes the office to use the energy fund to help finance its work to administer the benchmarking and performance standard program described in section 1 (program).

Section 3 requires the office to administer the program and assist covered building

owners with the reporting requirements set forth in section 1 by:

- Creating a database of covered buildings and owners required to comply with section 1;
- Tracking compliance with the program and providing a list of noncompliant owners of covered buildings to the division of administration in the department of public health and environment;
- Developing publicly available, digitally interactive maps and lists showing the energy-use and performance-standard data reported;
- Coordinating with any local government that implements its own energy benchmarking requirements or energy performance program, including coordination of reporting requirements; and
- Collecting an annual fee from owners of covered buildings of \$100 per covered building; except that owners of public buildings are exempt from paying the fee. The office is required to transfer the fees collected to the state treasurer, who will credit the fees to the climate change mitigation and adaptation fund (fund) created in section 3.

Section 4 imposes penalties for violations of the benchmarking requirements in amounts up to \$500 for a first violation and up to \$2,000 for each subsequent violation. The commission is required to establish by rule civil penalties for a violation of the commission's performance standards in an amount not to exceed \$2,000 for a first violation and \$5,000 for a subsequent violation.

Section 5 modifies the definition of an "energy performance contract" that a governing body of a municipality, county, special district, or school district (board) enters into for evaluation, recommendations, or implementation of energy saving measures to remove requirements that a board's payment for goods and services pursuant to the contract be made within a certain number of years of the contract's execution.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1299** Violence prevention - office of gun violence prevention - public awareness - gun violence intervention grants - resource bank - appropriation. The act establishes the office of gun violence prevention (office) within the department of public health and environment to coordinate and promote effective efforts to reduce gun violence. The office is required to conduct public awareness campaigns to educate the general public about state and federal laws and existing resources relating to gun violence prevention.

Subject to available money, the office may establish and administer a grant program to award grants to organizations to conduct community-based gun violence intervention initiatives that are primarily focused on interrupting cycles of gun violence, trauma, and



retaliation that are evidence-informed and have demonstrated promise at reducing gun violence without contributing to mass incarceration.

The office is required to create and maintain a resource bank as a repository for data, research, and statistical information regarding gun violence in Colorado. The office must collaborate with researchers to improve data collection in Colorado and use existing available research to enhance evidence-based gun violence prevention tools and resources available to Colorado communities.

The office is required to issue a report to the general assembly every 5 years summarizing gun violence prevention measures adopted by local jurisdictions. This reporting requirement is contingent upon Senate Bill 21-256 being enacted and becoming law.

The act appropriates \$3,000,000 to the department of public health and environment for program costs related to family and community health for the office of gun violence prevention.

**APPROVED** by Governor June 19, 2021

**EFFECTIVE** June 19, 2021

**NOTE:** Section 25-20.5-1206 (3) is contingent on Senate Bill 21-256 becoming law. Senate Bill 21-256 was enacted and became law June 19, 2021.

## HEALTH CARE POLICY AND FINANCING

**S.B. 21-9** Reproductive health care program - one-year supply of contraceptive methods - appropriation. The act requires the department of health care policy and financing to administer a reproductive health care program (program) that provides contraceptive methods and counseling services to participants. The program must offer each participant at least a one-year supply of the requested contraceptive method or an alternative contraceptive method and not impose cost-sharing requirements.

Beginning in fiscal year 2023-24, the department shall analyze and report the cost-effectiveness of the program to the public during its annual SMART act hearing.

The act appropriates \$4,125,347 from the general fund to the department of health care policy and financing to implement the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-22** Medicaid audits - provider records - notification requirements prior to commencing audit. The act requires that, prior to initiating a review or audit of a medicaid provider's records, the reviewer or auditor, or a qualified agent contracted with the department of health care policy and financing (state department) shall confirm the provider's contact information with the provider. After confirming the provider's contact information, the reviewer or auditor, or qualified agent, shall notify the provider of additional information concerning the review or audit.

Current law requires the reviewer or auditor, prior to initiating the review or audit, to deliver to the provider not less than 10 business days prior to the commencement of the audit a written request describing in detail such records and offering the provider the option of providing either a reproduction of such records or inspection at the provider's site. The act requires the written request to be provided through both e-mail and certified mail.

The act requires the state department to ensure providers understand the relationship between the state department and the qualified agent and how to contact the qualified agent prior to a qualified agent commencing any review or audit.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-25** Medicaid - family planning services - appropriation. The act requires the

department of health care policy and financing to seek federal authorization through an amendment to the state medical assistance plan to provide family planning services to individuals who are not pregnant and whose income does not exceed the state's current effective income level for pregnant women under the children's basic health plan.

The act appropriates \$272,956 to the department of health care policy and financing for use by the executive director's office and \$565,614 to the office of the governor for use by the office of information technology to implement this act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-38** Medicaid - expansion of complementary or alternative medicine pilot program - appropriation. The complementary or alternative medicine pilot program (pilot program) currently applies to persons with a spinal cord injury. The act expands the pilot program to include persons with a primary condition of multiple sclerosis, a brain injury, spina bifida, muscular dystrophy, or cerebral palsy, with the total inability for independent ambulation directly resulting from one of these diagnoses. The act expands the pilot program to all eligible individuals in Colorado.

The act appropriates \$37,984 to the department of health care policy and financing for use by the executive director's office to implement the act.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-123** Canadian prescription drug importation program - expansion of program to include other nations. The act states that the department of health care policy and financing (department) may expand the Canadian prescription drug importation program (program) to allow a manufacturer, wholesale distributor, or pharmacy from a nation other than Canada to export prescription drugs into the state under the program if certain conditions are met. If, upon the satisfaction of these conditions, the department decides to expand the program, the executive director of the department shall notify the president of the senate, the speaker of the house of representatives, and specified legislative committees of the department's intent to do so.

**APPROVED** by Governor April 26, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-142** Medicaid - public funds - medically necessary services performed by licensed provider. Under current law, public funds cannot be used to pay for an abortion, except in cases of life endangerment and in cases of rape or incest for medicaid-eligible women. If every reasonable effort is made to preserve the life of the pregnant woman and unborn child, then public funds may be used for medically necessary services. The medically necessary services must be performed only in a licensed health care facility and only by a licensed physician. The act removes these requirements and allows medically necessary services to be performed by a provider who is licensed by the state and acting within the scope of the provider's license and in accordance with applicable federal regulations.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** May 21, 2021

**S.B. 21-210** Home- and community-based services waiver - elderly, blind, and disabled - electronic monitoring services. The act expands the definition of "electronic monitoring services" to include other remote supports as the definition relates to the home- and community-based services waiver program for the elderly, blind, and disabled.

**APPROVED** by Governor April 30, 2021

**EFFECTIVE** April 30, 2021

**S.B. 21-211** Medical assistance program - adult dental benefit - appropriation. The act eliminates certain measures that reduce the adult dental benefit.

The act requires the state treasurer to transfer money from the general fund to the unclaimed property trust fund to repay the unclaimed property trust fund for money transferred from it to the general fund in the 2020-21 fiscal year from savings from the reduction of the adult dental benefit in the medical assistance program.

The act appropriates \$1,522,875 to the department of health care policy and financing, of which \$335,723 is from the healthcare affordability and sustainability fee cash fund and \$1,187,152 is from the adult dental fund. The department may use the appropriation for medical and long-term care services for medicaid-eligible individuals.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-212** Primary care services - increased federal financial participation. The act requires the department of health care policy and financing (department), to the extent available and permitted by the federal government and the Colorado constitution, to maximize federal funds for payments for primary care services by aligning payments with the "Colorado Medical Assistance Act".

For the 2021-22 state fiscal year, the general assembly anticipates that the department will receive \$25,330,755 in federal funds to the primary care program to implement the act.

**S.B. 21-213** Health care - use of increased federal participation - appropriation adjustments.

For fiscal year 2021-22 and any subsequent fiscal years while increased reimbursements and payments associated with the federal public health emergency related to the COVID-19 pandemic are still available, the act specifies that:

- If a provider or a school district submits a certification of public expenditure pursuant to federal law, the provider or school district shall receive federal matching funds in the amount of 50% of the amount certified, and any federal financial participation in excess of 50% of the amount certified must be transferred to the general fund for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% generated from appropriations out of the healthcare affordability and sustainability fee cash fund must be used to offset other general fund appropriations for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% for reimbursements and payments must be transferred from the medicaid nursing facility cash fund to the general fund for the medical assistance program expenditures; and
- The appropriation to the university of Colorado for fee-for-service contracts for health services is reduced by the amount of federal financial participation that exceeds 50%.

The act adjusts the 2021-22 long bill appropriations as follows:

- The general fund appropriation for medical services premiums is decreased by \$57,330,334;
- The appropriation for medical services premiums is reduced by \$10,231,185 from reappropriated funds received from the department of higher education;
- The appropriation for medical services premiums is increased by \$57,330,334, from fund the healthcare affordability and sustainability fee cash fund from the medicaid nursing facility cash fund; and
- The decrease of the appropriation of \$10,231,185 is based on the assumption that the anticipated amount of federal funds received for the 2021-22 state fiscal year by the department of health care policy and financing for medical services premiums will decrease by \$13,127,686.

The act adjusts the 2021-22 long bill appropriations to the department of higher education as follows:

- The general fund appropriation for fee-for-service contracts with state institutions for specialty education programs is decreased by \$10,231,185; and
- The appropriation for the regents of the university of Colorado is reduced by \$10,231,185.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-214** Hospice providers - residential services - state-only payments - appropriation. The act authorizes a state payment to qualified hospice providers, as defined in the act, that provide hospice services in a licensed hospice facility to persons enrolled in the medical assistance program who are eligible for care in a nursing facility but who are unable to secure a bed in a nursing facility due to the presence of COVID-19 in the state or for other reasons described in the act. The eligible patient, as defined in the act, must have a hospice diagnosis.

To receive a payment, the qualified hospice provider must provide residential services to an eligible patient during the fourth quarter of the 2020-21 fiscal year or during the 2021-22 fiscal year. The state payment to a qualified hospice provider is limited to not more than 28 days for each eligible patient. The state payment is an amount equal to one-half of the statewide average per diem rate for nursing facilities.

The department of health care policy and financing shall administer the state payment and shall seek input from qualified hospice providers concerning the administration of the payment and the allocation of available appropriations.

For the 2020-21 state fiscal year, the act appropriates \$684,000 of general fund to the department of health care policy and financing to implement the act. Unexpended money is further appropriated for the 2021-22 state fiscal year for the same purpose.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** May 4, 2021

**S.B. 21-286** American Rescue Plan Act - medicaid - home- and community-based services - federal matching funds - spending plan - fund - account - transfers. The act directs the department of health care policy and financing (department) to develop a spending plan (spending plan) for using enhanced, one-time federal matching money received pursuant to the "American Rescue Plan Act of 2021" (federal act) to enhance, expand, and strengthen medicaid-eligible home- and community-based services for older adults and people with disabilities.

The department shall develop a proposed spending plan considering feedback from providers, medical assistance recipients, and advocates consistent with federal guidance on allowable uses of the federal act funding. Money from the federal act may be used for home- and community-based services, as defined in the federal act, including home health-care services, personal care services, PACE services, waiver services, case management services, and rehabilitative services. The act specifies possible components of the spending plan. The department shall submit the proposed spending plan to the joint budget committee of the general assembly for approval. The joint budget committee may reject or approve the spending plan and may make recommendations for modifications to the spending plan. If the spending plan is rejected, the department shall submit a new spending plan as soon as possible. The department shall not implement the spending plan unless the spending plan is

approved by the joint budget committee.

The act authorizes the department to make expenditures identified in the spending plan approved by the joint budget committee; except that the spending authority expires if a supplemental appropriation bill is enacted. During the next legislative session, the joint budget committee shall introduce a supplemental appropriation bill for the amount of the expenditures authorized. For fiscal years commencing on and after July 1, 2021, the general assembly may also appropriate money for purposes authorized under the federal act. The act repeals the statutory provisions effective July 1, 2025. Commencing November 1, 2021, and quarterly thereafter, the act requires the department to submit expenditure reports with additional information specified in the act concerning the use of the money received pursuant to the federal act.

The act transfers \$260,730,099 from the general fund to the home- and community-based services improvement fund, created in the act, and \$19,830,918 from the ARPA home- and community-based services account, created in the act, in the healthcare affordability and sustainability fee cash fund to implement the spending plan.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1166** Comprehensive care coordination and treatment training model for persons who work with persons with intellectual and developmental disabilities - selection of providers - appropriation. The act directs the state department of health care policy and financing (department) to obtain a vendor to provide a comprehensive care coordination and treatment training model (model) for persons who work with persons with intellectual and developmental disabilities and co-occurring behavioral health needs. The selected vendor must be able to provide the model using teleconferencing formats to better reach rural areas of the state. Case management agencies, mental health centers, and program-approved service agencies shall nominate up to 20 providers to receive the training. The department may select an additional 10 providers from underserved areas of the state to receive the training.

For the 2021-22 state fiscal year, \$67,680 is appropriated to the department of health care policy and financing for use by the executive director's office. This appropriation is from the general fund. The office may use this appropriation for general professional services and special projects to implement the provisions of the act.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**H.B. 21-1187** Long-term services and supports - redesigned case management system. Current law provides for the establishment of a single entry point system that consists of single entry point agencies throughout the state for the purpose of enabling persons 18 years of age or older in need of long-term care to access appropriate long-term care services.





installments such that a patient is not paying more than 4% of the patient's monthly household income on a bill from a health-care facility and not paying more than 2% of the patient's monthly household income on a bill from each licensed health-care professional; and after a cumulative 36 months of payments, consider the patient's bill paid in full and permanently cease any and all collection activities on any balance that remains unpaid.

Beginning June 1, 2022, a health-care facility shall make information about patient's rights and the uniform application for discounted care available to the public and to each patient.

Beginning June 1, 2023, and each June 1 thereafter, each health-care facility shall report to the department data that the department determines is necessary to evaluate compliance across patient groups based on race, ethnicity, age, and primary language spoken with the required screening, discounted care, payment plan, and collections practices.

No later than April 1, 2022, the department shall develop a written explanation of a patient's rights, make the explanation available to the public and each patient, and establish a process for patients to submit a complaint relating to noncompliance with the requirements. The department shall periodically review health-care facilities and licensed health-care professionals (hospital providers) to ensure compliance, and the department shall notify the hospital provider if the hospital provider is not in compliance that the hospital provider has 90 days to file a corrective action plan with the department. A hospital provider may request up to 120 days to submit a corrective action plan. The department may require a hospital provider that is not in compliance to develop and operate under a corrective action plan until the department determines the hospital provider is in compliance. The act implements fines for hospital providers if the department determines the hospital provider's noncompliance is knowing or willful.

Beginning June 1, 2022, the act imposes requirements on hospital providers before assigning or selling patient debt to a medical creditor or before pursuing any permissible extraordinary collection action and imposes fines for any hospital provider that fails to comply with the requirements.

Beginning June 1, 2022, a medical creditor shall not use impermissible extraordinary collection actions to collect debts owed for hospital services. A medical creditor may engage in permissible extraordinary collection actions 182 days after the patient receives hospital services. At least 30 days before taking any permissible extraordinary collection action, a medical creditor shall notify the patient of potential collection actions and shall include with the notice a statement that explains the availability of discounted care for qualified individuals and how to apply for such care. If a patient is later found eligible for discounted care, the medical creditor shall reverse any permissible extraordinary collection actions.

Beginning June 1, 2022, a medical creditor shall not sell a medical debt to another party unless, prior to the sale, the medical debt seller has entered into a legally binding written agreement with the medical debt buyer in which certain terms are agreed to. The medical debt seller shall indemnify the medical debt buyer for any amount paid for a debt that

is returned to or recalled by the medical debt seller.

Beginning June 1, 2022, the department shall promulgate rules prohibiting hospitals from considering assets when determining whether a patient meets the specified percentage of the federal poverty level for CICP and ensuring the method used to determine whether a patient meets the specified percent is uniform across hospitals.

The act appropriates \$219,295 to the department of health care policy and financing to implement the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1206** Medicaid - nonmedical and nonemergency medical transportation services - appropriations adjustments. Current law requires the public utilities commission (commission) to oversee the safety and oversight of medicaid nonmedical and nonemergency medical transportation services (transportation services). The act eliminates the commission's responsibility to oversee the safety and oversight of the transportation services.

The act requires the department of health care policy and financing (department) to oversee the safety and oversight of the transportation services. If a provider of transportation services already complies with the transportation safety standards established by another state department which meet or exceed the rules and processes established by the department, demonstrating such compliance to the department is sufficient to verify compliance with the requirements of the act. The act also requires the department to collaborate with stakeholders, including but not limited to disability and member advocates, PACE providers, transportation brokers, and transportation providers, to establish rules and processes for the safety and oversight of transportation services.

For the 2021-22 state fiscal year, the general fund appropriation made in the annual general appropriation act to the department for transfer to the department of regulatory agencies for regulation of medicaid transportation is decreased by \$66,003. The same amount is appropriated from the general fund to the department for medical and long-term care services for medicaid-eligible individuals.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** June 29, 2021

**H.B. 21-1227** Medicaid - nursing facility providers - demonstration of need. The act requires the department of health care policy and financing (department) to develop, analyze, and enforce a demonstration of need for each new nursing facility provider seeking medicaid certification. The requirement does not apply to a nursing facility provider certified prior to June 30, 2021. The act allows the department to exempt nursing facilities with 5 or fewer

medicaid beds from the current reimbursement methodology and instead require the facilities to be reimbursed at the statewide average rate.

The act requires the medical services board to promulgate rules, no later than June 30, 2022, addressing the establishment of criteria to be used in determining a nursing facility provider's medicaid certification.

**APPROVED** by Governor May 27, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1256** Medicaid - telemedicine - delivery of services. Current law states that in-person contact between a health-care provider or mental health-care provider and a patient is not required under the state's medicaid program for services delivered through telemedicine that are otherwise eligible for reimbursement under medicaid. The act requires the department of health care policy and financing to promulgate rules specifically relating to entities that deliver health-care or mental health-care services exclusively or predominately through telemedicine.

**APPROVED** by Governor May 27, 2021

**EFFECTIVE** May 27, 2021

**H.B. 21-1275** Medicaid - reimbursement for pharmacist services - extended-release injectable medications - reimbursement as pharmacy benefit or medical benefit - appropriation. Under the act, a pharmacist is eligible for reimbursement under the medical assistance program for certain medically necessary pharmacist services, as described in the act, that are not duplicative of other pharmacist services or programs reimbursed under the medical assistance program. The department of health care policy and financing shall include services reimbursed pursuant to the act in the review of provider rates for the medical assistance program.

Further, the act allows a pharmacist or pharmacy that dispenses or administers extended-release injectable medications for the treatment of mental health or substance use disorders to seek reimbursement for those medications under the medical assistance program as either a pharmacy benefit or as a medical benefit.

The act requires that costs associated with services provided by clinical pharmacists through a federally qualified health center (FQHC) be considered allowable costs for the purpose of the FQHC's cost report and be included in the calculation of the reimbursement rate for a patient visit at an FQHC.

The act appropriates \$372,554 to the department of health care policy and financing from the general fund and the healthcare affordability and sustainability fee cash fund to

implement the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## **HUMAN SERVICES - BEHAVIORAL HEALTH**

**S.B. 21-137 Behavioral Health Recovery Act - American Rescue Plan Act - appropriation.** The act continues the requirement that an opioid prescriber must adhere to the limitations on prescribing opioids.

The act continues the funding for the medication-assisted treatment expansion pilot program for the 2020-21 fiscal year and each year thereafter.

The act creates the regional health connector workforce program in the University of Colorado School of Medicine to educate health-care providers on evidence-based and evidence-informed therapies and techniques; provide support and assistance to primary care providers as a link between multiple services to improve community health; assist primary care practices and community agencies in connecting patients with mental health or substance use disorders to support and treatment options; educate health-care providers; and provide clear information to providers and community members about COVID-19.

The act expands the Colorado State University AgrAbility project (project) by providing funding for the project's rural rehabilitation specialists to provide information, services, and research-based, stress-assistance information, education, suicide prevention training, and referrals to behavioral health-care services to farmers, ranchers, agricultural workers, and their families to mitigate incidences of harmful responses to stress experienced by these individuals.

The act continuously appropriates money to the harm reduction grant program.

No later than July 1, 2023, the department of health care policy and financing (HCPF) shall contract with one or more independent review organizations to conduct external reviews requested for review by a medicaid provider when there is a denial or reduction for residential or inpatient substance use disorder treatment and medicaid appeals have been exhausted.

No later than October 1, 2021, HCPF shall consult with the office of behavioral health (OBH), residential treatment providers, and managed care entities (MCE) to develop standardized utilization management processes to determine medical necessity for residential and inpatient substance use disorder treatment, which processes must be incorporated into existing MCE contracts no later than January 1, 2022.

No later than July 1, 2022, HCPF shall contract with an independent third-party vendor to audit 33% of all denials of authorization for inpatient and residential substance use disorder treatment for each MCE.

The act requires the state medical assistance program (medicaid) to include screening for perinatal mood and anxiety disorders for the caregiver of each child enrolled in medicaid in accordance with the health resources and services administration guidelines. The screening must be made available to any caregiver, regardless of whether the caregiver is enrolled in

medicaid, so long as the caregiver's child is enrolled in medicaid.

No later than July 1, 2023, the Colorado department of human services (CDHS) shall develop a statewide data collection and information system to analyze implementation data and selected outcomes to identify areas for improvement, promote accountability, and provide insights to continually improve child and program outcomes.

The act requires CDHS, in collaboration with the department of agriculture, to contract with a nonprofit organization primarily focused on serving agricultural and rural communities in Colorado to provide vouchers to individuals living in rural and frontier communities in need of behavioral health-care services.

The act creates the county-based behavioral health grant program in OBH to provide matching grants to county departments of human or social services for the expansion or improvement of local or regional behavioral health disorder treatment programs. The grant program repeals July 1, 2023.

The act creates the behavioral health-care workforce development program in OBH to increase the behavioral health-care workforce's ability to treat individuals, including youth, with severe behavioral health disorders.

No later than August 1, 2021, CDHS shall develop a program to provide emergency resources to licensed providers to help remove barriers such providers face in serving children and youth whose behavioral or mental health needs require services and treatment in a residential child care facility.

The act requires CDHS, in collaboration with HCPF, to develop a statewide care coordination infrastructure to drive accountability and more effective behavioral health navigation to care that builds upon and collaborates with existing care coordination services.

The act requires the center for research into substance use disorder prevention, treatment, and recovery support strategies to engage in community engagement activities to address substance use prevention, harm reduction, criminal justice response, treatment, and recovery.

The act continues the building substance use disorder treatment capacity in underserved communities grant program indefinitely.

The act requires the perinatal substance use data linkage project to utilize data from multiple state-administered data sources when examining certain issues related to pregnant and postpartum women with substance use disorders and their infants.

No later than January 1, 2022, OBH shall use a competitive selection process to select a recovery residence certifying body to certify recovery residences and educate and train recovery residence owners and staff on industry best practices.

The act requires OBH to establish a program to provide temporary financial housing assistance to individuals with a substance use disorder who have no supportive housing options when the individual is transitioning out of a residential treatment setting and into recovery or receiving treatment for the individual's substance use disorder.

The act creates the recovery support services grant program for the purpose of providing recovery-oriented services to individuals with a substance use disorder or co-occurring substance use and mental health disorder.

The act removes the requirement that the office of ombudsman for behavioral health access to care (office) enter into a memorandum of understanding with CDHS and subjects the office to state personnel and fiscal rules.

The act continues the appropriation to the maternal and child health pilot program indefinitely.

The act continues the program to increase public awareness concerning the safe use, storage, and disposal of opioids and the availability of naloxone and other drugs used to block the effects of an opioid overdose.

The act requires a correctional facility or private contract prison to offer a person in custody, upon release from the facility, at least 2 doses of an opioid reversal medication and education about the appropriate use of the medication.

The act removes municipal, county, or fire program district fire stations from the definition of "safe station" as it relates to the disposal of controlled substances.

The act requires the opioid and other substance use disorders study committee to meet in the 2022 interim rather than the 2021 interim.

The act requires the university of Colorado school of medicine to provide practice consultation services and stipends to health-care providers who are eligible to provide medication for opioid use disorder.

The act creates the behavioral and mental health cash fund which consists of \$550 million the state received from the federal "American Rescue Plan Act". The act requires the executive committee of the legislative council to create a task force to meet during the 2021 interim and issue a report with recommendations to the general assembly and governor on policies to create transformational change in the area of behavioral health.

The act appropriates additional one-time money to the Colorado health service corps fund from the money received from the federal "American Rescue Plan Act".

The act adds services for families with behavioral health needs as an allowable use for the high-risk families cash fund.

The act continues the harm reduction grant program and the maternal and child health pilot program indefinitely.

The act appropriates state money and money received by the "American Rescue Plan Act" to various state departments for certain behavioral health-related programs.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**NOTE:** Certain provisions of the act are contingent on Senate Bill 21-288 becoming law. Senate Bill 21-288 was approved by the governor June 11, 2021.

**S.B. 21-154** 988 crisis hotline enterprise - creation - surcharge on service users - prepaid wireless surcharge - intervention services - crisis care coordination - appropriation. The act implements 988 as the 3-digit number for crisis response services in Colorado by creating the 988 crisis hotline enterprise (enterprise) in the department of human services (department) to fund the 988 crisis hotline and provide crisis outreach, stabilization, and acute care to individuals calling the 988 crisis hotline.

Effective January 1, 2022, the enterprise shall impose a 988 surcharge (surcharge) on service users in an amount to be established annually by the enterprise, in collaboration with the public utilities commission (commission) but not to exceed 30 cents per month. The act requires each service supplier to collect the surcharge from its service users and remit the collected surcharges to the commission on a monthly basis. The state treasurer shall credit the surcharge collections to the 988 surcharge cash fund (fund).

Effective January 1, 2022, the enterprise shall impose a prepaid wireless 988 charge on each retail transaction in an amount to be established annually by the enterprise, in collaboration with the commission but not to exceed 30 cents per each retail transaction. The act requires each seller to collect the prepaid wireless 988 charge from the consumer on each retail transaction occurring in the state and remit the collected charges to the department of revenue. The state treasurer shall credit the prepaid wireless 988 charge to the fund.

On or before July 1, 2022, the enterprise shall fund a nonprofit organization to operate the 988 crisis hotline and provide intervention services and crisis care coordination to individuals calling the 988 crisis hotline.

Beginning January 1, 2023, and each January 1 thereafter, the department shall submit information about the usage of the 988 crisis hotline center to the federal substance abuse and mental health services administration and information about the expenditures of the fund to the federal communications commission, and the department shall annually report progress on the implementation of the 988 crisis hotline to the general assembly.

The act appropriates \$5,687,692 to the department of human services for use by the office of behavioral health, \$74,566 to the department of revenue, and \$1,966 to the



department of personnel to implement the act.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1021** Medical assistance program reimbursements - recovery support services organizations - peer support professional services - appropriation. The act requires the department of human services (state department) to establish procedures to approve recovery support services organizations for reimbursement of peer support professional services. The act also gives the executive director of the state department rule-making authority to establish other criteria and standards as necessary.

The act permits a recovery support services organization to charge and submit for reimbursement from the medical assistance program certain eligible peer support services provided by peer support professionals.

The act authorizes the department of health care policy and financing to reimburse recovery support services organizations for permissible claims for peer support services submitted under the medical services program.

The act requires contracts entered into between the state department's office of behavioral health and designated managed service organizations to include terms and conditions related to the support of peer-run recovery support services organizations.

For the 2021-22 state fiscal year, \$28,654 is appropriated to the state department from the general fund for use by the office of behavioral health to implement this act.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1030** Peace officers behavioral health support and community partnerships grant program - expansion - appropriation. The act expands the peace officers mental health support grant program (grant program) to include law enforcement agencies, behavioral health entities, county or district public health agencies, community-based social service and behavioral health providers, peace officer organizations, and public safety agencies as eligible entities. The act renames the grant program the peace officers behavioral health support and community partnerships grant program to reflect these changes.

The act also expands the purposes for which grant money can be used to include co-responder community responses and community-based alternative responses. Public safety

agencies, law enforcement agencies, and peace officer organizations that apply for a grant are encouraged to do so in collaboration with mental health centers and other community-based social service or behavioral health providers in their region. The act specifies which funding opportunities each entity may apply for.

The act appropriates \$1,000,000 to the department of local affairs for the grant program.

**APPROVED** by Governor June 27, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1085** Transportation services - behavioral health crises - licensing - secure transportation benefit - appropriation. The act creates a regulatory and service system to provide secure transportation services, with different requirements from traditional ambulance services, for individuals experiencing a behavioral health crisis. The department of human services shall allow for the development of secure transportation alternatives.

The board of county commissioners of the county in which the secure transportation service is based (commissioners) shall issue a license to an entity (licensee), valid for 3 years, that provides secure transportation services if the minimum requirements set by rule by the state board of health are met or exceeded. The commissioners shall also issue operating permits, valid for 12 months following issuance, to each vehicle operated by the licensee. A fee may be charged for each license to reflect the direct and indirect costs to the applicable county in implementing secure transportation services licensure. The state board of health is given authority to promulgate rules concerning secure transportation licensure.

The department of health care policy and financing (department) is directed to create and implement a secure transportation benefit on or before January 1, 2023. The department is required to include information on secure transportation services and benefits in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" report.

The act exempts secure transportation services from regulation under the public utilities commission.

For the 2021-22 state fiscal year, the act appropriates \$46,800 to the department of health care policy and financing for use by the executive director's office, of which \$39,993 is from the general fund and is \$6,807 from the healthcare affordability and sustainability fee cash fund and provides 0.9 FTE.

For the 2021-22 state fiscal year, the act appropriates \$46,490 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division and provides 0.6 FTE.

**APPROVED** by Governor June 27, 2021

**EFFECTIVE** June 27, 2021

**H.B. 21-1097** Behavioral health administration - creation - timeline - plan. The act addresses multiple recommendations from the Colorado behavioral health task force (task force), created in 2019, related to the creation of a behavioral health administration (BHA). The BHA would be a single state agency to lead, promote, and administer the state's behavioral health priorities.

The act requires the department of human services (department) to submit a plan for the creation of the BHA on or before November 1, 2021, to the joint budget committee and to the department's committees of reference. The act outlines what the plan must, at a minimum, include. The essential duties of the BHA, once established, are set forth.

A timeline is described for the establishment of the BHA in the department and for a future determination of the state department in which the BHA will exist, if different than the department of human services.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** April 22, 2021

**H.B. 21-1130** Community transition specialist program. The act expands the community transition specialist program (program) by redefining "high-risk individual" to allow more individuals to access program services. The act also expands facilities that can access program services.

**APPROVED** by Governor April 20, 2021

**EFFECTIVE** April 20, 2021

**H.B. 21-1166** Comprehensive care coordination and treatment training model for persons who work with persons with intellectual and developmental disabilities - selection of providers - appropriation. The act directs the state department of health care policy and financing (department) to obtain a vendor to provide a comprehensive care coordination and treatment training model (model) for persons who work with persons with intellectual and developmental disabilities and co-occurring behavioral health needs. The selected vendor must be able to provide the model using teleconferencing formats to better reach rural areas of the state. Case management agencies, mental health centers, and program-approved service agencies shall nominate up to 20 providers to receive the training. The department may select an additional 10 providers from underserved areas of the state to receive the training.

For the 2021-22 state fiscal year, \$67,680 is appropriated to the department of health care policy and financing for use by the executive director's office. This appropriation is from the general fund. The office may use this appropriation for general professional services and special projects to implement the provisions of the bill.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**H.B. 21-1258** Youth mental health services - access to services - provider reimbursement - appropriation. The act establishes a temporary youth mental health services program (program) in the office of behavioral health within the department of human services (department) to facilitate access to mental health services, including substance use disorder services, for youth to respond to identified mental health needs, including those needs that may have resulted from the COVID-19 pandemic. The program reimburses providers for up to 3 mental health sessions with a youth and may provide additional reimbursement subject to available money.

As soon as practicable, but no later than August 1, 2021, the department is required to enter into an agreement with a vendor to create, or use an existing, website or web-based application as a portal available to youth and providers to facilitate the program.

The program is repealed, effective June 30, 2022.

The act appropriates \$9,000,000 to the department of human services from the general fund to implement the act.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 21-27** American rescue plan act - diaper distribution program - food pantry assistance grant program - appropriations. The act creates the diaper distribution program (program) in the department of human services (department) to provide diapering essentials to eligible individuals. The department shall solicit interest and cost distribution proposals from diaper distribution centers to administer the program for not more than twelve months after which the department shall commence a selection process that complies with the state procurement code. Diapering essentials must be made available to all parents, guardians, or family members of a child who wears diapers and resides in Colorado.

The act allows the department to contract with a third party vendor to solicit, vet, award, and monitor food pantry assistance grants.

The act appropriates \$2,000,000 from the general fund to the department of human services for use by the office of self sufficiency to implement the diaper distribution program and \$5,000,000 from the economic recovery and relief cash fund to the department of human services for use by the office of self sufficiency for the food pantry assistance grant program.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**S.B. 21-118** Adult protective services - at-risk adults - alternative response pilot program - appropriation. Current law allows for only one type of response for a county department of human or social services (county department) to follow after a report of mistreatment or self-neglect of an at-risk adult, regardless of the level of risk reported. That type of response requires a full investigation, including unannounced initial in-person interviews, and a finding by the county department.

The act creates, on or after January 1, 2022, an alternative response pilot program (pilot) that a participating county department can utilize when it receives a report, related to an at-risk adult, of mistreatment or self-neglect (report), and the report has identified the risk as lower risk, as defined by rules promulgated by the state department of human services (state department).

The state department shall select a maximum of 15 rural and urban county departments to participate in the pilot. Upon receipt of a report, a participating county department will not make a finding nor will it be required to complete unannounced initial in-person interviews, so long as the report has identified the risk as lower risk, as defined by rule of the state department. If, upon further review, the participating county department determines the situation is more severe, it shall revert to the process that is currently set forth in law for investigating a report.

The state department shall provide initial training on the pilot to participating county departments, as well as ongoing technical assistance.

The state department shall promulgate rules for the implementation and administration of the pilot. The rules must include, at a minimum, a description of the risk levels and the parameters around unannounced initial in-person interviews.

The state department shall contract with a third-party evaluator to evaluate the pilot's success or failure, including a consideration of the pilot's effectiveness in achieving outcomes over a 2-year period.

Each participating county department shall submit a report to the state department, as necessary, regarding the county department's use of the pilot and any data required by the state department to effectively evaluate the pilot.

The state department shall submit a summary report to the health and human services committee of the senate and the public and behavioral health and human services committee of the house of representatives as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" presentations in January 2025 and January 2026.

The pilot is repealed, effective July 1, 2027.

For the 2021-22 state fiscal year, the act appropriates \$173,351 to the department of human services for use by adult protective services. This appropriation is from the general fund and is based on an assumption that adult protective services will require an additional 0.9 FTE. To implement this act, adult protective services may use this appropriation for state administration.

**APPROVED** by Governor June 17, 2021

**EFFECTIVE** June 17, 2021

**S.B. 21-129** Suicide prevention - veterans - pilot program - appropriation. The act requires the state department of human services (department) to establish a veteran suicide prevention pilot program (pilot program) to reduce the suicide rate and suicidal ideation among veterans by providing no-cost, stigma-free, confidential, and effective behavioral health treatment for up to 700 veterans and their families in El Paso County. Subject to available money, the department may expand the pilot program to serve more than 700 veterans or to other areas of the state. The department may enter into an agreement with a nonprofit or educational organization to administer the pilot program. The department is required to include information about the pilot program in its annual report to the general assembly. The pilot program is repealed June 30, 2025.

The act appropriates \$1,660,000 from the general fund to the department of human service for the pilot program.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

**S.B. 21-167** Child care centers - inspections - fire or radon - playgrounds - medication on premise. The act eliminates duplicate fire or radon inspections for a child care center that provides child care exclusively to school-age children on the property of a school district, charter school, or institute charter school if a satisfactory inspection was completed within the preceding 12 months.

The act requires an annual inspection of playground facilities on the property where a child care center operates and prohibits a duplicate inspection if a satisfactory inspection was completed within the preceding 12 months.

The act permits the possession and self-administration of medication for asthma, a food allergy, or anaphylaxis if certain requirements are satisfied and if:

- The child is a school-age child enrolled in a child care center that provides child care exclusively to school-age children on the property of a school, district, charter school, or institute charter school; or
- The child is enrolled in a large child care center.

The act provides for staffing flexibility during emergency circumstances, so long as certain requirements are satisfied.

**APPROVED** by Governor May 13, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-193** Pregnant persons - medical malpractice policies - advanced directives - reporting on use of restraints - requirements for a facility that incarcerates - Colorado civil rights commission to receive complaints - requirements for health facilities - appropriation.

The act:

- Requires each carrier offering medical malpractice insurance in the state to provide information regarding the insurer's policies related to labor and delivery services to the department of public health and environment;
- Repeals language that gives no force or effect to an advanced directive of a person who is pregnant while the person's fetus is viable;
- Requires annual reporting to the legislature on the use of restraints on a pregnant person within each jail, private contract prison, and correctional facility;
- Establishes requirements for each facility that incarcerates or has custody of people with the capacity for pregnancy;
- Requires the Colorado civil rights commission to receive reports from people

alleging maternity care that is not organized for, and provided to, a person who is pregnant or in the postpartum period in a manner that is culturally congruent; maintains the person's dignity, privacy, and confidentiality; ensures freedom from harm and mistreatment; and enables informed choices and continuous support; and

- Requires each health facility that provides services related to labor and childbirth to demonstrate to the department of public health and environment that the health facility has a policy that meets certain requirements.

To implement this act:

- \$148,783 is appropriated from the general fund to the department of corrections for use by institutions; and
- \$50,215 is appropriated from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-194** Maternal health - labor and delivery services - provider reimbursement - provider requirements - birth certificate worksheet form - department of public health and environment maternal health data - department of health care policy and financing postpartum medical benefits - appropriations. The act requires:

- A carrier offering a health benefit plan in the state, and the department of health care policy and financing when administering the "Colorado Medical Assistance Act", to reimburse health-care providers that provide health-care services related to labor and delivery in a manner that:
  - Promotes high-quality, cost-effective, and evidence-based care;
  - Promotes high-value, evidence-based payment models; and
  - Prevents risk in subsequent pregnancies;
- Each health-care provider licensed by the state who regularly provides health-care services related to labor and delivery to:
  - Be able to identify when to transmit and receive patient information and transfer and receive patients, across the facility's levels of care; and
  - Coordinate with other providers to effectuate services across the facility's levels of care in a way that prevents patients losing access to care;
- The birth certificate worksheet form to include a place to report where the pregnant person intended to give birth at the onset of the person's labor;
- The department of public health and environment to engage in a stakeholder process to:



- Make recommendations to improve the collection and public reporting of maternal health data from various entities; and
- Study the use of research evidence in policies related to the perinatal period in Colorado; and
- The department of health care policy and financing, no later than July 1, 2022, to seek an amendment to the state medical assistance plan to provide 12 months of postpartum medical benefits to persons who qualified for benefits while pregnant.

To implement the act, the act appropriates:

- \$77,993 from the general fund to the department of health care policy and financing based on the assumption that the department will receive \$481,379 in federal funds, and the act reappropriates the anticipated \$481,379 of federal funds; and
- \$82,243 from the general fund to the department of public health and environment for use by the prevention services division.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-201** Child care providers exempt from licensure - complaints - transparency - cease-and-desist orders - appropriation. The act addresses concerns related to child care providers (providers) that are operating without a valid license or are exempt from licensure, including:

- Adding a requirement for the state department of human services (department) to include the names and locations of cease-and-desist orders that have been issued against a child care provider on the department's child care provider website (website) that is accessible to the public;
- Adding an additional requirement for the department to post on its website the name and location of any provider operating outside the allowed exemptions and to whom one or more cease-and-desist order has been issued. The information posted must include name, location, and total number of cease-and-desist orders issued to the same provider.
- Establishing that a person operating a facility, whether licensed or exempt from licensure, that has received a cease-and-desist order from the department or a county department and who fails to cure the violation cited by the department or a county department in the allotted period is guilty of a petty offense;
- Revising and increasing the language related to civil penalties and fines for persons operating a facility, whether licensed or exempt from licensure; and
- Clarifying that those petty offenses count toward the withholding of Colorado

child care assistance program money for family child care home providers.

In honor and memory of Elle Matthews, the act names section 26-6-112 of the Colorado Revised Statutes the "Elle Matthews Act for Increased Safety in Child Care".

For the 2021-22 state fiscal year, \$83,375 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from federal child care development funds. To implement the act, the office may use the appropriation for child care licensing and administration.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**S.B. 21-216** Deaf, hard of hearing, and deafblind - auxiliary services - provision in rural areas - cost-recovery mechanism. Section 1 of the act is a nonstatutory legislative declaration stating the critical need for the provision and financing of auxiliary services throughout rural areas of the state. Auxiliary services are aids and services that assist in effective communication with a person who is deaf, hard of hearing, or deafblind.

Section 2 requires the Colorado commission for the deaf, hard of hearing, and deafblind (commission) to arrange for the provision of auxiliary services in rural areas of the state, including the provision of training and outreach regarding the auxiliary services. The commission is required to report annually on the program to the joint budget committee.

Section 3 amends the definition of "entity" regarding entities eligible to apply to the commission for grant money to remove the requirement that a not-for-profit organization must be a community-based organization to be eligible to apply for grant money.

Section 4 directs the public utilities commission to implement a cost-recovery mechanism to support the provision of auxiliary services in rural areas of the state.

**APPROVED** by Governor April 30, 2021

**EFFECTIVE** April 30, 2021

**S.B. 21-217** Colorado child care assistance program - market rate study. Current law requires the department of human services to contract annually for a market rate study of provider rates for the Colorado child care assistance program. The act adjusts the contractual and reporting requirement to every 3 years.

**APPROVED** by Governor May 4, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-236** Early childhood care and education - grant programs - recruitment and retention of early childhood educators; facility improvements - appropriations. The act creates 4 new grant programs to increase capacity for early childhood care and education, improve recruitment and retention rates for early childhood educators (educators), and improve salaries for educators. The act makes an appropriation.

Specifically, the act creates the following programs:

- The employer-based child care facility grant program;
- The early care and education recruitment and retention grant and scholarship program;
- The child care teacher salary grant program; and
- The community innovation and resilience for care and learning equity (CIRCLE) grant program.

The act also eliminates the repeal dates for the child care sustainability grant program and the emerging and expanding child care grant program.

The act appropriates money for the grant programs from the general fund as well as from federal funds from the child care development fund.

The act makes the following appropriations:

- During the 2020 special session, the general assembly appropriated money for early childhood education. The act states that any of that money not expended prior to July 1, 2021, is further appropriated to the department of human services for the next fiscal year for the same purpose.
- For the 2020-21 state fiscal year, \$8,800,000 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from the general fund. To implement this act, the office of early childhood may use this appropriation as follows:
  - \$100,000 for administration, which amount is based on an assumption that the office will require an additional 1.0 FTE; and
  - \$8,700,000 for the employer-based child care facility grant program.
- Any money appropriated but not expended prior to July 1, 2021, is further appropriated to the department of human services for use by the office of early childhood for the 2021-22 state fiscal year for the same purposes.
- For the 2021-22 state fiscal year, \$320,241,576 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from federal funds from child care development funds. To implement this act, the office of early childhood may use this appropriation as follows:
  - \$292,700,664 for the child care sustainability grant program, which amount is based on an assumption that the office will require an additional 3.0 FTE. Any money appropriated for the child care

sustainability grant program but not expended prior to July 1, 2022, is further appropriated for use by the office of early childhood for the 2022-23 state fiscal year for the same purposes;

- \$16,800,000 for the community innovation and resilience for care and learning equity (CIRCLE) grant program, which amount is based on an assumption that the office will require an additional 1.0 FTE. Any money appropriated to the community innovation and resilience for care and learning equity (CIRCLE) grant program but not expended prior to July 1, 2022, is further appropriated for use by the office of early childhood for the 2022-23 state fiscal year for the same purposes;
  - \$7,200,000 for the early care and education recruitment and retention grant and scholarship program, which amount is based on an assumption that the office will require an additional 4.0 FTE;
  - \$3,000,000 for the child care teacher salary grant program, which amount is based on an assumption that the office will require an additional 1.0 FTE; and
  - \$540,912 for the administration, monitoring, compliance, and reporting requirements associated with the money appropriated in this subsection (3), which amount is based on an assumption that the office will require an additional 4.0 FTE.
- For the 2021-22 state fiscal year, \$58,622,936 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from federal funds from child care development funds. The office of early childhood may use this appropriation as follows:
    - \$23,845,252 for the child care assistance program;
    - \$32,455,511 for child care grants for quality and availability and federal targeted funds requirements, which amount is based on an assumption that the office will require an additional 6.0 FTE;
    - \$2,150,000 for the early childhood mental health consultation program, which amount is based on an assumption that the office will require an additional 1.0 FTE; and
    - \$172,173 for the administration, monitoring, compliance, and reporting requirements associated with the money appropriated in this subsection (4), which amount is based on an assumption that the office will require an additional 2.0 FTE.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**S.B. 21-239** 2-1-1 statewide human services referral system - referrals for behavioral health and social services - appropriation. The act expands the necessary referral services authorized by the Colorado 2-1-1 collaborative (collaborative) to include necessary referrals for behavioral health services and other social service resources in the state for Coloradans, particularly for individuals who are unemployed, regardless of whether they receive benefits.

The act requires the department of human services' office of behavioral health to contract with the collaborative to hire and train specialized personnel. The act also requires the office of behavioral health to collaborate with the collaborative to engage in targeted marketing and outreach, and to ensure the marketing and outreach are targeted to traditionally underserved communities, such as immigrant, low-income, and communities of color.

The act also requires the collaborative to coordinate with the department of labor and employment (department) to target, conduct outreach, and market to individuals who are unemployed, regardless of whether they receive benefits, and may need referrals for behavioral health services and other social service resources. The department is required to update its unemployment application web page and specified websites to include contact information for the collaborative.

For the 2020-21 state fiscal year, \$1,000,000 is appropriated to the department of human services (state department) from the general fund to implement the act. Any money that is not spent before July 1, 2021 is further appropriated to the state department for the 2021-22 state fiscal year for the same purpose.

For the 2021-22 state fiscal year, \$5,741 is appropriated from the general fund to the department for use by the division of unemployment insurance to implement the act.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**S.B. 21-269** Child care centers - licensing - respite child care centers - appropriation. The act defines "respite child care centers" and includes them in the overall definition of "child care center" for licensing purposes.

For the 2021-22 state fiscal year, \$14,092 is appropriated to the department of human services for use by the office of information technology services. This appropriation is from the general fund. To implement this act, the office may use this appropriation for Colorado trails.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-275** Human services - part C child find - appropriation. Part C of child find in the federal "Individuals with Disabilities Education Act", requires states to find, identify, locate, evaluate, and serve children with disabilities from birth through 2 years of age.

The act transfers the responsibility of performing part C child find from the department of education to the department of human services on July 1, 2022; except that, on and after May 1, 2022, the department of human services shall administer the referral

intake process for part C child find evaluations.

The act requires the department of education and the department of human services to enter into an interagency operating agreement concerning the coordination of transitions of children from part C child find to part B child find.

The act appropriates \$8,266,779 from the general fund and allocates 0.9 FTE to the department of human services and appropriates \$6,888,983 to the department of education.

**APPROVED** by Governor June 30, 2021

**PORTIONS EFFECTIVE** June 30, 2021

**PORTIONS EFFECTIVE** July 1, 2022

**S.B. 21-276** Children with intellectual and developmental disabilities - application for the children's habilitation residential program waiver - appropriation. The act requires county departments of human or social services to apply for the children's habilitation residential program (CHRP) waiver for children with intellectual and developmental disabilities who are referred for placement in the program and show proof of enrollment or denial of eligibility to the department of human services when they apply for placement in CHRP. The act does not guarantee a placement if the child is enrolled in CHRP.

For the 2021-22 state fiscal year, the act appropriates \$1,162,912 to the department of human services for use by the division of child welfare. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.5 FTE. To implement this act, the division may use this appropriation for residential placements for children with intellectual and developmental disabilities. Any money appropriated in this section not expended prior to July 1, 2022, is further appropriated to the division for the 2022-23 state fiscal year for the same purpose.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**S.B. 21-277** Child welfare services - funding model - child welfare allocations committee - appropriation. The act requires the state department of human services (state department), beginning in state fiscal year 2024-25, to use the child welfare allocations funding model (funding model) to determine the capped and targeted allocations for child welfare services and the funding required for adoption and relative guardianship subsidies, the independent living program, additional county child welfare staff, and family and children's programs.

The funding model determines the appropriate level of funding required to fully meet all state and federal requirements concerning the comprehensive delivery of child welfare services. The act clarifies what must be included in the funding model and requires the state department and the child welfare allocations committee to annually submit a report on the funding model to the joint budget committee.

The state department is required to enter into a 3-year agreement with an outside entity

to annually modify the funding model based on recommendations from the child welfare allocations committee and evaluations and deliver the results of the model each year. The act requires a child welfare workload study to inform the funding model. To maintain the integrity of the data used in the funding model, the child welfare allocations committee annually examines county practices regarding data collection and financial management, an evaluation group annually evaluates the funding model, and, every 3 years, an outside evaluating entity conducts a comprehensive evaluation of the implementation of the funding model.

The act includes a \$250,000 appropriation to the state department.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**S.B. 21-290** State office on aging - area agency on aging cash fund - grant program - appropriation. The act creates the area agency on aging grant program (grant program) in the department of human service's state office on aging (state office). The purpose of the grant program is to assist and support the health, well-being, and security of older Coloradans. The act also creates the area on aging cash fund (cash fund), which is used to fund the grant program.

The act requires the state office and the area agency on aging to collaborate and establish criteria for the following:

- Adopting the policies and procedures for the administration of the grant program;
- Establishing and publishing criteria for the grant program; and
- Creating application procedures by which eligible organizations may apply for and receive money from the grant program.

For the 2021-22 state fiscal year, \$15,000,000 is appropriated to the department of human services from reappropriated funds in the cash fund for use by adult assistance programs to implement the act. The department of human services is responsible for the accounting related to the appropriation.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**H.B. 21-1018** Adoption assistance agreements - medicaid benefits - adoptive parent payments to nonenrolled providers. So long as it is not prohibited under federal law, the act permits adoptive parents who are parties to an adoption assistance agreement (agreement) to pay for services or items from a provider that is not enrolled in the medical assistance program. The services or items would otherwise be reimbursable under the medical assistance program pursuant to the terms of the agreement.

The adoptive parents must determine if the special needs of the child or youth require

items or services from the provider and must enter into a written agreement with the provider in which the adoptive parents agree to bear the cost of the items or services. The adoptive parents shall not seek reimbursement from the adoption assistance program or the medical assistance program after such items and services have been provided and paid for pursuant to the written agreement. Further, a county department of human or social services is not required to cover the cost of the items or services as part of the circumstances of the family or the anticipated needs of the eligible child or youth during subsidy negotiations; however, the act does not preclude consideration of any other family circumstances or anticipated needs for purposes of negotiating adoption assistance.

The act requires the department of health care policy and financing to seek any federal authorization necessary pursuant to the medical assistance program to implement the policy.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** May 7, 2021

**H.B. 21-1094** Foster youth - foster youth in transition program - appropriations. The act creates the foster youth in transition program (transition program) in the state department of human services (state department) to be implemented in county departments of human or social services (county departments) throughout the state. The purpose of the transition program is to allow foster youth who meet eligibility criteria to voluntarily continue to receive certain child welfare services (services) up until the last day of the month of the youth's twenty-first birthday, or such greater age of foster care eligibility as required by federal law. Services provided through the transition program must be client-directed and developmentally appropriate as set forth in and agreed to through a voluntary services agreement (agreement) developed and entered into between the youth and county department.

The act sets forth the eligibility criteria a youth must meet in order to voluntarily participate in the transition program. A youth who is no longer under the jurisdiction of the juvenile court and thinks he or she is eligible for the transition program may make a written request to the juvenile court (court) or county department where the youth resides. The county department shall make a determination of eligibility. If the youth is eligible, the county department shall explain the requirements and benefits of the transition program to the youth and, with the youth, develop an agreement that must be provided to the juvenile court together with a petition to renew jurisdiction with the juvenile court.

The act describes the services and supports that will be made available to a youth through the transition program, including assistance with enrolling in medicaid; assistance with securing appropriate housing; and providing case management services, such as developing a roadmap to success, obtaining employment, obtaining critical documents and records, and accessing information about relatives and siblings, if available and appropriate.

The act sets forth the form and content required for a petition to bring the youth under the juvenile court's jurisdiction. Upon receipt of informed, written consent of the youth, a person may be named as a special respondent in a case brought pursuant to the transition program.



A youth participating in the transition program must be appointed counsel from a list of attorneys approved by the office of the child's representative. If the youth is 18 years of age or older and, due to diminished capacity, needs a guardian ad litem, one may also be appointed.

Procedures for emancipation discharge and transition hearings (hearing) are described in the act, including a requirement to have a personalized emancipation transition plan finalized for the youth no more than 90 days prior to a hearing. The county department shall file a report with the court at least 7 days prior to a transition hearing that includes relevant details concerning a youth's status and plans to either emancipate or enter the youth in transition program. With the youth's consent and in certain circumstances, the court may continue a transition hearing for up to 119 days.

The court shall hold periodic reviews of the youth's case at least every 6 months to ensure that the transition program is providing the youth with the necessary services to help the youth move toward permanency and a successful transition to adulthood. The act sets forth procedures for the periodic reviews. The act grants continuing jurisdiction in a youth's case to the juvenile court under certain situations.

The act creates the foster youth successful transition to adulthood grant program (grant program) and associated advisory board (advisory board). The purpose of the grant program is to support eligible youth to successful transition into adulthood. Youth are eligible for services from recipients of grants from the grant program if they are between the ages of 18 and 23, were in foster care or adjudicated dependent and neglected, and are participating voluntarily. The advisory board shall meet at least 2 times per year, and the act outlines membership.

The state department is directed to promulgate rules for the implementation of the transition program.

For the 2021-22 state fiscal year, the act appropriates \$510,623 to the department of human services for use by the division of child welfare. This appropriation consists of \$408,498 from the general fund and \$102,125 from cash funds from local funds. To implement this act, the division may use this appropriation for child welfare services.

For the 2021-22 state fiscal year, the act appropriates \$52,392 to the judicial department for use by the office of the child's representative. This appropriation is from the general fund.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**H.B. 21-1123** CAPS check by DORA and court - notification - prior to appointment of conservator or guardian. The act authorizes the department of human services (state department) to disclose the results of a CAPS check without a court order to:

- A health oversight agency within the department of regulatory agencies (DORA), or a regulator within such a health oversight agency, for the purpose of a regulatory investigation; or
- The court if an individual is petitioning the court for conservatorship or guardianship of an at-risk adult.

The act requires an employer and a current or former employee to provide, upon request of a county department of human or social services and for the purposes of an investigation into an allegation of mistreatment, the professional license number issued by DORA for the employee who holds a health-care provider or health-care occupation license and who, as a result of the investigation, is substantiated in a case of mistreatment of an at-risk adult.

Current law requires the state department to promulgate rules to establish a process at the state level by which a person who is substantiated in a case of mistreatment of an at-risk adult may appeal the finding to the state department. The act requires the state department to promulgate rules to address the process to share information on the outcome of an appeal with a health oversight agency within DORA, or a regulator within such health oversight agency, if the health oversight agency or its regulator requests information for the purpose of a regulatory investigation. Appeal information is confidential and used only for the regulatory investigation.

Beginning January 1, 2022, the state department shall provide the court the results of a CAPS check, upon the court's request, to determine if the person is substantiated in a case of mistreatment of an at-risk adult.

The act requires the state department to promulgate rules that address:

- The process for the state department to notify a health oversight agency within DORA or a regulator within such health oversight agency when a professional regulated by a regulator within such health oversight agency is substantiated in a case of mistreatment of an at-risk adult; and
- The information that will be made available to a health oversight agency within DORA or a regulator within such health oversight agency for the purpose of conducting a regulatory investigation.

A person who may be appointed as a conservator or guardian of an at-risk adult who knowingly provides inaccurate information to the court for a CAPS check commits a class 1 misdemeanor.

Beginning January 1, 2022, prior to appointing a person as a conservator or guardian of an at-risk adult, the court shall request a CAPS check by the state department to determine if the person is substantiated in a case of mistreatment of an at-risk adult. Within 7 calendar days after the date of the court's request, if the person has been substantiated in a case of mistreatment of an at-risk adult, the state department shall provide the court with information concerning the mistreatment, unless the finding was expunged through a successful appeal

to the state department. The state department shall disclose to the court that the person substantiated in a case of mistreatment of an at-risk adult has the right to initiate an appeal of the substantiated finding within the time frame set forth in state department rules. If the appeal is active, the state department shall inform the court that such appeal is active. The court shall have the discretion to consider the results of the CAPS check and determine the weight of the information and its probative value. Nothing delays or precludes the court's appointment of an emergency guardian or conservator of an at-risk adult, regardless of the timing of the state department's notification of the CAPS check results.

The act requires the state department to notify the court within 7 calendar days after a substantiated finding of mistreatment by a person appointed as a conservator or guardian for an at-risk adult is subsequently entered into CAPS.

The act requires the state department to notify a health oversight agency within DORA or a regulator within such health oversight agency within 10 calendar days after a substantiated finding of mistreatment by a professional regulated by DORA. Any information provided to a health oversight agency is confidential. A health oversight agency shall have the discretion to consider the results of the CAPS check and determine the weight of the information and its probative value.

The act requires a licensee, certificate holder, or registrant substantiated in a case of mistreatment of an at-risk adult to provide the person's professional license number to county adult protective services.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1222** Child care - family child care homes. The act requires that family child care homes be classified as residences for purposes of licensure and local regulations, including zoning, land use development, fire and life safety, and building codes. The act also adds a provision stating that whenever the state department of human services reviews and rewrites its rules concerning child care agencies or facilities, it shall seek advice from the department of public safety when such rules relate to specific types of child care agencies or facilities.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1270** Supplemental nutrition assistance program - Colorado employment first program - appropriation. The act appropriates \$3,000,000 to the department of human services (department) in order to seek a 50% match from the federal government for the

Colorado employment first program within the supplemental nutrition assistance program. The act requires the department to direct county departments and any third-party partners to prioritize any state or federal money received to fund employment support and job retention services and to support work-based learning opportunities for Colorado employment first participants. Any remaining money may be used to initiate and enhance current and additional state- or county-initiated third-party partnerships.

**APPROVED** by Governor June 17, 2021

**EFFECTIVE** June 17, 2021

**H.B. 21-1277** Public assistance - death reimbursements - definitions. Current law does not include the definitions "public assistance" and "medical assistance" relating to death reimbursements for funeral, cremation, and burial expenses for deceased public assistance or medical assistance recipients. The act adds the definitions "public assistance" and "medical assistance" to clarify who qualifies as a public assistance or medical assistance recipient.

Current law authorizes death reimbursements for a person who has applied or was eligible for public benefits. The act requires the person to be receiving the public benefits at the time of death.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**H.B. 21-1304** Department of early childhood - transition plan - new preschool program recommendations - appropriation. Effective July 1, 2022, the act creates the department of early childhood (new department) to:

- Provide early childhood opportunities;
- Coordinate the availability of early childhood programs and services throughout Colorado;
- Establish state and community partnerships for a mixed delivery of child care and early childhood programs through school- and community-based providers;
- Prioritize the interests and input of children, parents, providers, and the community in designing and delivering early childhood services and programs;
- Prioritize the equitable delivery of resources and supports for early childhood; and
- Unify the administration of early childhood programs and services.

The act moves the early childhood leadership commission (commission) to the new department, effective July 1, 2022.

The act creates a transition working group (working group), consisting of the co-chairs of the commission and representatives of certain state agencies and the governor's office, and directs the co-chairs of the commission to convene a transition advisory group (advisory group). The act directs the working group, working with a consultant and with the

advice of the advisory group, to develop a transition plan (plan) for the coordination and administration of early childhood services and programs by the new department and the departments of education, human services, and public health and environment, including, to the extent necessary, the transition of existing programs and services to the new department. The act includes specific requirements for the plan.

The governor's office must submit the plan to the joint budget committee as part of the governor's 2022 budget request, and the working group must submit the plan to the commission for approval. As soon as practicable after the plan is approved, the governor's office must submit the approved plan to the joint budget committee with any necessary budget request amendments. The working group must submit the approved plan to other committees of the general assembly by November 15, 2021, and must meet with the early childhood and school readiness legislative commission by December 1, 2021, to present the plan.

The act also directs the working group, working with the consultant and with the advice of the advisory group, to develop recommendations for a new voluntary, universal preschool program (recommendations) to be funded partially by the recently increased sales tax on tobacco and operated by the new department beginning in the 2023-24 school year. The act specifies requirements that the new preschool program must meet. The working group must also convene and work with a subgroup that focuses on issues relating to serving children with disabilities through the new preschool program. The working group must submit the recommendations to the commission for approval and must then submit the recommendations to the joint budget committee and other committees of the general assembly by January 15, 2022.

The act requires the governor's office to contract with one or more private entities to consult with the working group in developing and implementing the plan and in developing the recommendations and to analyze the current use of existing early childhood programs in the state.

For the 2021-22 fiscal year, to implement the act, there is appropriated from the general fund:

- \$587,500, with the assumption of an additional 3.6 FTE, to the office of the governor;
- \$267,161, with the assumption of an additional 1.2 FTE, to the office of early childhood in the department of human services; and
- \$96,867, with the assumption of an additional 0.9 FTE, to the department of education.

**APPROVED** by Governor June 23, 2021

**PORTIONS EFFECTIVE** June 23, 2021  
**PORTIONS EFFECTIVE** July 1, 2022

## INSURANCE

**S.B. 21-16** Preventive health services - screening and counseling for sexually transmitted infections - preventive care for minors - family planning services - appropriation. The act expands certain preventive health-care services to include counseling, prevention, and screening for a sexually transmitted infection (STI). The act adds contraception as a mandatory health benefit.

Current law requires a health-care provider or facility to perform a diagnostic exam for an STI and subsequently treat the STI at the request of a minor patient. The act allows a health-care provider to administer, dispense, or prescribe preventive measures or medications where applicable. The consent of a parent is not a prerequisite for a minor to receive preventive care, but a health-care provider shall counsel the minor on the importance of bringing the minor's parent or legal guardian into the minor's confidence regarding the services.

Current law requires the executive director of the department of health care policy and financing to authorize reimbursement for medical or diagnostic services provided by a certified family planning clinic. The act removes the requirement that services be provided by a certified family planning clinic and authorizes reimbursement for family planning services and family-planning-related services provided by any licensed health-care provider.

The act appropriates \$90,547 to the department of health care policy and financing and \$13,353 and provides 0.2 FTE to the department of regulatory agencies for use by the division of insurance to implement the act.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**S.B. 21-63** Health-care benefits - multiple employer welfare arrangements - waiver process - appropriation. Current law allows an existing association consisting of multiple employers, referred to as a "multiple employer welfare arrangement" (MEWA), to offer health-care benefits to the association's members only if, among other requirements, the MEWA has been in existence continuously since at least January 1, 1983, and is engaged in substantial activities for its employer members other than the sponsorship of an employee welfare benefit plan.

The act allows a MEWA that does not meet these requirements to file an application for a waiver with the commissioner of insurance that, if granted, would enable the MEWA to offer health-care benefits to its members' employees. The act specifies the application requirements, substantive requirements that a MEWA must comply with to qualify for a waiver, and factors that the commissioner will consider in determining whether to grant a waiver. If a waiver is granted, the MEWA is subject to the division of insurance's full enforcement authority, and the MEWA may operate for 2 years. To operate past the 2 years, a MEWA must reapply for a waiver, but if the commissioner grants 5 consecutive waivers, a MEWA may continue to operate without again applying for a waiver.

The act also appropriates \$13,352 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-90** Health insurance - small employers - health benefit plans - renewal. The act clarifies that if a small employer has been issued a health benefit plan subject to small group insurance laws and rules, and then following the issuance date subsequently employs more than 100 employees, the small group insurance laws and rules continue to apply to the plan as long as the employer renews the current health benefit plan. If the employer opts to renew its current plan, the act requires an insurance carrier to offer the employer the same small group health benefit plan or, if the same plan is no longer available, a similar plan that the carrier offers to other small employers.

The act requires an insurance carrier to notify the employer that the small group insurance laws and rules will no longer apply if the employer fails to renew the current plan or elects to enroll in a different health benefit plan.

**APPROVED** by Governor March 25, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-126** Health care coverage - consumer protection standards act for the operation of managed care plans - timely credentialing of physicians by insurers - notices required - denials of claims prohibited - disclosures - recredentialing - enforcement - appropriation. The act requires that when a physician applies to be credentialed as a participating physician in a health insurance carrier's (carrier's) provider network, the carrier must conclude the process of credentialing the applicant within 60 calendar days after the carrier receives the applicant's completed application. A carrier must provide each applicant written or electronic notice of the outcome of the applicant's credentialing within 10 calendar days after the conclusion of the credentialing process.

Within 7 calendar days after a carrier receives an application, the carrier must provide the applicant a receipt. If a carrier receives an application but fails to provide the applicant a receipt within 7 calendar days, the carrier shall consider the applicant a participating physician, effective no later than 53 calendar days following the carrier's receipt of the application.

A carrier may not deny a claim for a medically necessary covered service provided to a covered person if the service:

- Is a covered benefit under the covered person's health coverage plan; and
- Is provided by a participating physician who is in the provider network for the carrier's health coverage plan and has concluded the carrier's credentialing process.

A carrier may not require a participating physician to submit an application or participate in a contracting process in order to be recredentialed.

With certain exceptions, a carrier must allow a participating physician to remain credentialed and include the participating physician in the carrier's provider network unless the carrier discovers information indicating that the participating physician no longer satisfies the carrier's guidelines for participation.

The commissioner of insurance is required to enforce the new requirements. A carrier that fails to comply with the act or with any rules adopted pursuant to the act is subject to such civil penalties as the commissioner may order.

To implement the act, for the 2021-22 state fiscal year, the act appropriates \$52,505 to the department of regulatory agencies from the division of insurance cash fund. Of this amount, \$21,268 is reappropriated to the department of law for legal services.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-139** Dental care services - telehealth - mandatory coverage. The act requires each dental plan issued, amended, or renewed in this state to cover services offered to a covered person through telehealth. The act also requires the state's medical assistance program to reimburse providers for dental care services provided through telehealth.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** May 7, 2021

**S.B. 21-169** Insurance practice - discrimination prohibited - use of external data sources - commissioner - rules - proprietary documents - annual report - exemptions. The act prohibits an insurer from:

- Unfairly discriminating based on an individual's race, color, national or ethnic origin, religion, sex, sexual orientation, disability, gender identity, or gender expression in any insurance practice; or
- Pursuant to rules adopted by the commissioner of insurance (commissioner), using any external consumer data and information source, algorithm, or predictive model (external data source) with regard to any insurance practice that unfairly discriminates against an individual based on an individual's race,



color, national or ethnic origin, religion, sex, sexual orientation, disability, gender identity, or gender expression.

After a stakeholder process, the commissioner shall adopt rules for specific types of insurance, by insurance practice, which rules establish means by which an insurer may demonstrate that it has tested whether its use of an external data source unfairly discriminates based on an individual's race, color, national or ethnic origin, religion, sex, sexual orientation, disability, gender identity, or gender expression. Any such rules shall not become effective until January 1, 2023, at the earliest, for any type of insurance. The rules must require each insurer to:

- Provide information to the commissioner concerning the external data sources used by the insurer in the development and implementation of algorithms and predictive models for a particular type of insurance and insurance practice;
- Provide an explanation of the manner in which the insurer uses external data sources for the particular type of insurance and insurance practice;
- Establish and maintain a risk management framework that is reasonably designed to determine, to the extent practicable, whether the insurer's use of external data sources unfairly discriminates against individuals based on their race, color, national or ethnic origin, religion, sex, sexual orientation, disability, gender identity, or gender expression;
- Provide an assessment of the results of the risk management framework and actions taken to minimize the risk of unfair discrimination, including ongoing monitoring; and
- Provide an attestation by the insurer's chief risk officer that the insurer has implemented the risk management framework appropriately on a continuous basis.

The rules adopted by the commissioner must include provisions establishing:

- A reasonable period of time for insurers to remedy any unfairly discriminatory impact in an external data source; and
- The ability of insurers to use external data sources that have been previously assessed by the division of insurance (division) and found not to be unfairly discriminatory.

Documents, materials, and other information in the possession or control of the division that are obtained by, created by, or disclosed to the commissioner or any other person pursuant to the new requirements are recognized as proprietary and containing trade secrets. The commissioner may use the documents, materials, or other information in furtherance of any regulatory or legal action and make the data publicly available in an aggregated or de-identified format.

The commissioner may examine and investigate an insurer's use of an external data source in any insurance practice.

In the department of regulatory agencies' annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" report to the legislative committees of reference, the division shall include:

- Information concerning any rules adopted pertaining to this act;
- Information concerning any changes in insurance rates that have resulted from the prohibitions described in the act; and
- A summary of the stakeholder process, including a description of data sources insurers may use to comply with this act.

The requirements described in the act do not apply to:

- Title insurance;
- Bonds executed by qualified surety companies; or
- Insurers of exempt commercial policyholders.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-175** Health care insurance coverage - prescription drugs - prescription drug affordability review board created - affordability reviews - upper payment limits - enforcement - appropriation. The act creates the Colorado prescription drug affordability review board (board) in the division of insurance (division) in the department of regulatory agencies as an independent unit of state government, requires the board to perform affordability reviews of prescription drugs, and authorizes the board to establish upper payment limits for prescription drugs the board determines are unaffordable for Colorado consumers. The board is also required to promulgate rules as necessary for its purposes.

The board shall determine by rule the methodology for establishing an upper payment limit for a prescription drug. An upper payment limit applies to all purchases of and payer reimbursements for the prescription drug dispensed or administered to individuals in the state in person, by mail, or by other means. Any savings generated for a health benefit plan as a result of an upper payment limit established by the board must be used by the carrier that issued the health benefit plan to reduce costs to consumers, prioritizing the reduction of out-of-pocket costs for prescription drugs.

On and after January 1, 2022, the act prohibits, with certain exceptions, any purchase or payer reimbursement for a prescription drug at an amount that exceeds the upper payment limit established by the board for that prescription drug.

A person aggrieved by a decision of the board may appeal the decision within 60 days. The board shall consider the appeal and issue a final decision concerning the appeal within 60 days after the board receives the appeal. Final board decisions are subject to judicial

review.

Any prescription drug manufacturer (manufacturer) that intends to withdraw from sale or distribution within the state a prescription drug for which the board has established an upper payment limit must notify, at least 180 days before the withdrawal:

- The commissioner;
- The attorney general; and
- Each entity in the state with which the manufacturer has contracted for the sale or distribution of the prescription drug.

The commissioner may impose a penalty of up to \$500,000 on a manufacturer that fails to comply with the notice requirement. The board is directed to adopt rules regarding notice to consumers of a manufacturer's intent to withdraw a prescription drug from sale or distribution in the state.

Beginning in the 2022 calendar year, for all prescription drugs dispensed at a pharmacy and paid for by a carrier during the immediately preceding calendar year, the act requires each carrier and each pharmacy benefit management firm acting on behalf of a carrier to report certain information to the all-payer health claims database.

The act creates the Colorado prescription drug affordability advisory council to provide stakeholder input to the board.

The board must submit an annual report to the governor and to subject matter committees of the general assembly summarizing the activities of the board during the preceding calendar year, and the chair of the board must present to those committees information concerning any prescription drug for which the board established an upper payment limit during the preceding calendar year. Upon approval of a majority of the committee members, any member of the committees may pursue legislation to discontinue the upper payment limit for a particular prescription drug, and the legislation does not count against the limit on the number of bills the member may introduce in a regular legislative session.

The board and its functions are repealed, effective September 1, 2026, following a sunset review by the department of regulatory agencies.

For the 2021-2022 state fiscal year, the act appropriates \$730,711 from the division of insurance cash fund to the department of regulatory agencies. Of this amount, \$325,297 is appropriated for use by the division for personal services, \$22,650 is appropriated for use by the division for operating expenses, and \$382,824 is appropriated for the purchase of legal services, which amount is reappropriated to the department of law for providing legal services.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**S.B. 21-259** Annuities - surrender value - nonforfeiture rate. When the holder of an annuity policy surrenders the policy, the holder forfeits most of the accumulated value of the policy, but the insurance company that issued the policy must pay to the holder a percentage of the policy's value (the nonforfeiture rate). Under current law, the nonforfeiture rate is the lesser of 3% per year or a fraction of the federal reserve's 5-year constant maturity treasury rate; the rate resulting from this fraction must not be less than one percent. The act reduces the minimum nonforfeiture rate resulting from this fraction to not less than 0.15%.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1013** Regulation of insurance companies - division of a domestic stock insurer permitted - plans of division required - approval by commissioner of insurance - appropriation. The act states that a domestic stock insurer (dividing insurer) may divide into 2 or more resulting insurers pursuant to a plan of division. A plan of division must include:

- The name of the dividing insurer;
- The name of each resulting insurer created by the proposed division and, for each resulting insurer, a copy of proposed articles of incorporation and proposed bylaws;
- The manner of allocating assets and liabilities, including policy liabilities, between or among all resulting insurers;
- The manner of distributing shares in the resulting insurers to the dividing insurer or the dividing insurer's shareholders;
- A reasonable description of all liabilities and all assets that the dividing insurer proposes to allocate to each resulting insurer, including the manner by which the dividing insurer proposes to allocate all reinsurance contracts;
- All terms and conditions required by the laws of this state and the articles of incorporation and bylaws of the dividing insurer; and
- All other terms and conditions required by the division.

A plan of division must include additional provisions, the nature of which depends on whether the dividing insurer will survive the division.

A dividing insurer shall file a plan of division with the commissioner of insurance (commissioner) only after the plan of division has been approved in accordance with all provisions of the dividing insurer's articles of incorporation and bylaws. The commissioner shall approve the plan of division if, after considering certain criteria, the commissioner finds that certain requirements are met. If the commissioner approves a plan of division, an officer or duly authorized representative of the dividing insurer shall sign a certificate of division that sets forth certain information concerning the division.

The act establishes procedures for amending and abandoning plans of division.

The act provides for the protection of confidential information, documents, and materials that are submitted to, obtained by, or disclosed to the commissioner in connection with a plan of division or in contemplation of a plan of division.

For the 2021-22 state fiscal year, the act appropriates \$10,729 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1063** Reinsurance - credit for extraterritorial assuming insurer. Federal law preempts the extraterritorial application of state credit for reinsurance law but permits a state to enact reinsurance collateral reforms on an individual basis if the state is accredited. The act enacts a model law adopted by the National Association of Insurance Commissioners (NAIC), which is necessary to maintain the continued accreditation of the Colorado division of insurance with the NAIC and makes Colorado's reinsurance statutes substantially similar to those found in other states. The model law specifies the grounds upon which a domestic insurer can get credit in Colorado for reinsurance provided by an assuming insurer that is domiciled in an extraterritorial jurisdiction and thereby avoids federal preemption that would otherwise occur by 2022.

**APPROVED** by Governor April 19, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1068** Health insurance - coverage for annual mental health wellness examination - appropriation. The act adds a requirement, as part of mandatory health insurance coverage of preventive health care services, that health plans cover an annual mental health wellness examination of up to 60 minutes that is performed by a qualified mental health care provider. The coverage must:

- Be comparable to the coverage of a physical examination;
- Comply with the requirements of federal mental health parity laws; and
- Not require any deductibles, copayments, or coinsurance for the mental health wellness examination.

The coverage applies to large employer plans issued or renewed on or after January 1, 2022, and to individual and small group plans issued or renewed on or after January 1, 2023, if the commissioner of insurance determines, and the United States department of health and human services confirms or fails to timely respond to a request for confirmation, that the coverage for an annual mental health wellness examination does not require state defrayal pursuant to the federal "Patient Protection and Affordable Care Act". Additionally, the division of insurance (division) is directed to conduct an actuarial study to determine the effect of the coverage on insurance premiums.

The act appropriates \$26,353 to the division to conduct reviews of health plans to ensure compliance with the coverage required by the bill.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**H.B. 21-1140** Living organ donors - health facilities and insurers - prohibition on charging for health care services necessary for donation. The act prohibits a hospital, a health facility, and a person offering an individual or group health benefit plan from charging a living organ donor any deductibles, copayments, coinsurance, benefit maximums, waiting periods, or other limitations on coverage for health care services necessary for the living organ donation.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1232** Health insurance - standardized health benefit plan - carriers to offer in individual and small group markets - rules - premium requirements and limitations - hearings - advisory board created - state innovation waiver application - reporting requirements - hospital and health care provider participation - insurance ombudsman - appropriation. The act requires the commissioner of insurance (commissioner) in the department of regulatory agencies to establish a standardized health benefit plan by rule on or before January 1, 2022, to be offered by health insurance carriers (carriers) in the individual and small group markets. The standardized plan must:

- Offer health-care coverage at the bronze, silver, and gold levels of coverage;
- Include pediatric and other essential health benefits;
- Be offered through the Colorado health benefit exchange and in the individual market;
- Have a standardized benefit design that is created through a stakeholder engagement process, has a defined benefit design and cost sharing that improves access and affordability, and is designed to improve racial health equity and decrease racial health disparities;
- Provide by, among other measures, providing first-dollar, predictable coverage for certain high value services;
- Be actuarially sound and allow carriers to meet financial requirements;
- Comply with state and federal law; and
- Have a provider network (network) that is culturally responsive and reflects the diversity of its enrollees and be no more narrow than the most restrictive nonstandardized plan offered by the carrier.

Each carrier must:

- Include, as part of its network access plan for the standardized plan, a description of its efforts to construct diverse, culturally responsive networks;

- Include a majority of the essential community providers in the service area in its network; and
- Allow consumers to easily compare the standardized health benefit plans offered by each carrier.

Additionally, the act requires the commissioner to:

- Promulgate rules regarding network adequacy;
- Contract with an independent third party to conduct an analysis of the implementation of the standardized health benefit plan and the related requirements; and
- Collaborate with the health benefit exchange to conduct a consumer survey.

Beginning January 1, 2023, and each year thereafter, the act requires carriers that offer:

- An individual health benefit plan in Colorado to offer the standardized health benefit plan in the individual market in each county where the carrier offers an individual plan; and
- A small group health benefit plan in Colorado to offer the standardized health benefit plan in the small group market in each county where the carrier offers a small group plan.

In the individual market and in the small group market, each carrier shall offer a standardized health benefit plan premium that:

- For 2023, is at least 5% less than the premium rate for health benefit plans offered by that carrier in the 2021 calendar year, as adjusted for medical inflation;
- For 2024, is at least 10% less than the premium rate for health benefit plans offered by that carrier in the 2021 calendar year, as adjusted for medical inflation;
- For 2025, is at least 15% less than the premium rate for health benefit plans offered by that carrier in the 2021 calendar year, as adjusted for medical inflation;
- For 2026 and each year thereafter, is increased above the premium in the previous year by no more than medical inflation, relative to the previous year.

The act also requires each carrier to file its premium rates for the standardized health benefit plan with the commissioner. If a carrier or health-care provider anticipates that a carrier will be unable to meet network adequacy standards or the premium rate requirements due to a reimbursement rate dispute, the carrier or the health-care provider may initiate nonbinding arbitration prior to filing rates for the standardized health benefit plan. If a carrier cannot meet the premium rate requirements, the carrier must notify the commissioner of the reasons. The division shall hold a public hearing concerning network adequacy and premium rates. Based on evidence at the hearing, the commissioner may establish carrier reimbursement rates for hospitals and health-care providers and require the hospitals and

health-care providers to accept patients and the established reimbursement rates. The act establishes limits on the reimbursement rates that may be set.

The act creates an advisory board, with members appointed by the governor, to implement the standardized health benefit plan. The advisory board is charged with considering recommendations to streamline prior authorization and utilization management processes, recommend ways to keep health-care services in communities where patients live, and to consider alternative payment models.

The commissioner may apply to the secretary of the United States department of health and human services for a state innovation waiver to capture savings as a result of the implementation of the standardized health benefit plan. Upon approval of the waiver, the commissioner is authorized to use any federal money for the implementation of the bill and for the Colorado health insurance affordability enterprise.

The act requires the commissioner to:

- Contract with an independent third party to prepare reports regarding the implementation of the bill;
- Monitor whether there is an adequate number of health-care providers in the carriers' standardized health benefit plan network and the percentage of premiums attributable to health-care providers in the network;
- Contract with an independent third-party organization to evaluate how to phase in a hospital's reimbursement rate methodology;
- Report various findings during the hearings conducted pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act"; and
- Disapprove of a rate filing submitted by a carrier if the rate filing reflects a cost shift between the standardized health benefit plan and the health benefit plan for which rate approval is being sought.

The department of public health and environment, upon notice from the commissioner, may fine or suspend or impose conditions on a hospital that refuses to participate in the standardized health benefit plan.

The act creates the office of the insurance ombudsman in the department of health care policy and financing to act as an advocate for consumer interests in matters related to access to and affordability of the standardized health benefit plan.

To implement this act:

- \$1,409,637 is appropriated to the department of regulatory agencies for use by the division of insurance and the executive director's office, \$212,680 of which is reappropriated to the department of law for the provision of legal services; and



- \$78,993 is appropriated to the department of health care policy and financing.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**H.B. 21-1276** Health insurance - cost-sharing benefits for nonpharmacological treatment - coverage for atypical opioid - carrier contracts with physical therapists, occupational therapists, chiropractors, acupuncturists - continuation of prescribing limitations for opioids - regulatory board rules for benzodiazepine prescriptions - prescriptions drug monitoring program - queries - expansion - sharing prescription drug information - center for research into substance use disorder prevention, treatment, and recovery support strategies continuing education activities - office of behavioral health collaboration concerning evidence-based prevention practices - appropriations. The act requires a health benefit plan issued or renewed on or after January 1, 2023, to provide a cost-sharing benefit for nonpharmacological treatment where an opioid might be prescribed. The required cost-sharing benefit must include a cost-sharing amount not to exceed the cost-sharing amount for a primary care visit for nonpreventive services, at least 6 physical therapy visits, 6 occupational therapy visits, 6 chiropractic visits, and 6 acupuncture visits per year. The division of insurance (division) is required to submit to the federal department of human services a determination as to whether the cost-sharing benefit is in addition to an essential benefit and subject to defrayal by the state pursuant to federal law and a request for confirmation of the determination. The division is required to implement the benefit only if the benefit does not constitute an additional benefit that requires a defrayal.

The act requires an insurance carrier (carrier) that provides prescription drug benefits to provide coverage, beginning January 1, 2023, for at least one atypical opioid that is approved by the federal food and drug administration (FDA) for the treatment of acute or chronic pain, which coverage must be at the lowest cost-sharing tier of the carrier's formulary with no requirement for step therapy or prior authorization. Additionally, a carrier cannot require step therapy for any additional FDA-approved atypical opioids.

The act precludes a carrier that has a contract with a physical therapist, occupational therapist, chiropractor, or acupuncturist from:

- Prohibiting the physical therapist, occupational therapist, chiropractor, or acupuncturist from, or penalizing the physical therapist, occupational therapist, chiropractor, or acupuncturist for, providing a covered person information on the amount of the covered person's financial responsibility for the covered person's physical therapy, occupational therapy, chiropractic services, or acupuncture services; or
- Requiring the physical therapist, occupational therapist, chiropractor, or acupuncturist to charge a covered person an amount or collect a copayment from a covered person that exceeds the total charges submitted to the carrier by the physical therapist, occupational therapist, chiropractor, or acupuncturist.

The commissioner of insurance is required to take action against a carrier that the commissioner determines is not complying with these prohibitions.

Current law limits specified prescribers from prescribing more than a 7-day supply of an opioid to a patient who has not obtained an opioid prescription from that prescriber within the previous 12 months unless certain conditions apply. This prescribing limitation is set to repeal on September 1, 2021. The act continues the prescribing limitation indefinitely.

The also requires the applicable board for each prescriber to promulgate rules that limit the supply of a benzodiazepine, which is a sedative commonly prescribed for anxiety and as a sleep aid, that a prescriber may prescribe to a patient who has not had a prescription for a benzodiazepine in the last 12 months, except for benzodiazepines prescribed to treat specific disorders or conditions.

The act continues indefinitely the requirement that a health-care provider query the prescription drug monitoring program (program) before prescribing an opioid, including a benzodiazepine, and changes current law to require the query on every prescription fill, not just the second fill. This section also requires a practitioner to query the program before prescribing a benzodiazepine unless it is to treat a specific disorder or condition.

In addition to current law allowing medical examiners and coroners to query the program when conducting an autopsy, section 16 allows medical examiners and coroners to query the program when conducting a death investigation.

The act also authorizes the state board of pharmacy to provide a means of sharing prescription information from the program with the health information organization network in order to work collaboratively with statewide health information exchanges designated by the department of health care policy and financing.

The act requires the center for research into substance use disorder prevention, treatment, and recovery support strategies to include in its continuing education activities the best practices for prescribing benzodiazepines and the potential harm of inappropriately limiting prescriptions to chronic pain patients and makes an appropriation for this purpose.

The act directs the office of behavioral health in the department of human services to convene a collaborative with institutions of higher education, nonprofit agencies, and state agencies for the purpose of gathering feedback from local public health agencies, institutions of higher education, nonprofit agencies, and state agencies concerning evidence-based prevention practices.

\$382,908 is appropriated to the department of human services for use by the office of behavioral health. \$13,000 is appropriated to the department of regulatory agencies for use by the division of insurance. \$215,207 is appropriated to the department of regulatory agencies.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**H.B. 21-1297 Prescription drug benefits - management by pharmacy benefit managers - prohibitions - limits on on-site audits of pharmacies - access to real-time benefit information.**

The act enacts the "Pharmacy Fairness Act" (act), which:

- Requires a health insurer to submit to the commissioner of insurance (commissioner) a list of pharmacy benefit managers (PBMs) the health insurer uses to manage or administer prescription drug benefits under its health benefit plans offered in this state;
- Prohibits PBMs from:
  - Restricting a covered person's access to prescription drug benefits at an in-network retail pharmacy, except as permitted in limited circumstances;
  - Charging a pharmacy or pharmacist a fee for adjudicating a claim, other than a one-time fee of not more than the lesser of 25% of the pharmacy dispensing fee or 25 cents for receipt and processing of the same pharmacy claim; or
  - Requiring stricter pharmacy accreditation standards or certification requirements than the standards or requirements that are applicable to similarly situated PBM-affiliated pharmacies within the same PBM network.

A PBM that administers the drug assistance program operated by the department of public health and environment is exempt from the requirements and prohibitions of the act with regard to the PBM's administration of that program only.

The act also precludes a health insurer, a PBM, or an entity acting for a health insurer or PBM to conduct on-site audits of pharmacies within 12 months after a prior on-site audit except in specified circumstances.

Additionally, the act requires a health insurer or PBM to respond in real time to a request from an insured, the insured's health-care provider, or a third party acting on behalf of the insured or provider for data regarding the cost, benefits, and coverage under the insured's health benefit plan for a particular drug.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

## LABOR AND INDUSTRY

**S.B. 21-39** Minimum wage requirements - employers - special certificate holders - phase-out of subminimum wage for all employees - transition plan - employment first advisory partnership - required recommendations - continuation - department of health care policy and financing - medicaid waiver - employment-related services - appropriation. Beginning July 1, 2021, the act prohibits an employer from paying an employee whose earning capacity is impaired by age, physical or mental disability, or injury less than minimum wage if the employer does not hold a special certificate issued on or before June 30, 2021, by the United States department of labor that authorizes the employer to pay wages below minimum wage to those employees. The act phases out subminimum wage employment for employers that hold a special certificate and by June 30, 2022, requires each employer that holds a special certificate to submit a transition plan to the department of health care policy and financing (department) detailing how the employer plans to phase out subminimum wage employment by July 1, 2025. On and after July 1, 2025, an employer is prohibited from paying an employee with a disability less than minimum wage regardless of whether the employer was issued a special certificate.

The act requires the employment first advisory partnership in the Colorado department of labor and employment (partnership) to:

- Develop actionable recommendations to address structural and fiscal barriers to phasing out subminimum wage employment and successfully implementing competitive integrated employment; and
- Report the recommendations to specified committees of the general assembly.

The act also continues operation of the partnership, which was scheduled to repeal on July 1, 2021, indefinitely.

The act requires the department to seek federal approval to add employment-related services for individuals with intellectual and developmental disabilities under the state's medicaid waiver services.

\$90,691 is appropriated to the department to implement the act. The department also expects to receive \$409,885 in federal funds to implement the act.

**APPROVED** by Governor June 29, 2021

**EFFECTIVE** July 1, 2021

**S.B. 21-87** Agricultural employers - agricultural employees - labor conditions - retaliation prohibited - right to collectively bargain - application of minimum wage laws - overtime rules - access to key service providers and visitors - provision of transportation - extreme overwork protections - prohibitions against use of short-handled hoe - enforcement - rules - agricultural work advisory committee - public health emergency requirements - appropriation. The act:

- Prohibits an agricultural employer from retaliating against any person, including an agricultural employee who is asserting protected rights, and

allows an aggrieved person to assert a claim in district court or with the division of labor standards and statistics (division) in the department of labor and employment for alleged retaliation;

- Removes the exemption of agricultural employers and employees from the Colorado "Labor Peace Act" and authorizes agricultural employees to organize and join labor unions; engage in protected, concerted activity; and engage in collective bargaining;
- Removes the exemption of agricultural labor from state and local minimum wage laws;
- Establishes a separate minimum wage for agricultural employees engaged in the range production of livestock on the open range;
- Requires the director of the division to promulgate rules to establish the overtime pay of agricultural employees, to implement procedures concerning retaliation claims, to ensure access to key service providers, and for overwork protections for agricultural workers;
- Grants agricultural employees meal breaks and rest periods throughout each work period, consistent with protections for other employees;
- Requires agricultural employers to provide agricultural employees with access and transportation to key service providers;
- Authorizes agricultural employees to have visitors at employer-provided housing without interference from other persons;
- Requires agricultural employers to provide overwork and health protections to agricultural employees;
- Prohibits the use of the short-handed for agricultural labor except in specific circumstances;
- During a public health emergency, requires an agricultural employer to provide extra protections and increased safety precautions for agricultural employees;
- Creates rights, remedies, and enforcement actions for aggrieved agricultural employees, whistleblowers, and key service providers; and
- Creates the agricultural work advisory committee to study and analyze agricultural wages and working conditions.

\$474,657 is appropriated from the employment support fund to the department of labor and employment to implement the act, of which amount \$38,282 is reappropriated to the department of law to provide legal services to the department of labor and employment. Additionally, \$193,882 is appropriated from the general fund to the department of agriculture for use by the plant industry division to implement the act.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**S.B. 21-95** Persons with disabilities - employment first advisory partnership - continuation under sunset law - hiring preference pilot program. The act implements the recommendation of the department of regulatory agencies in its sunset review and report on the employment first advisory partnership by continuing the partnership indefinitely.

The act also creates a hiring preference pilot program for people with disabilities.

Each department of state government may participate in the pilot program, but a participating department must submit a report on its implementation of the pilot program to the state personnel director, who will submit a report to the house business affairs and labor committee and the senate business, labor, and technology committee. A candidate qualifies for the pilot program when the candidate:

- Meets the minimum qualifications for the position;
- Is a person with a disability, as defined in the federal "Americans with Disabilities Act of 1990", and who has requested to participate in the pilot program; and
- Submits proof of a disability in a form and manner specified under the pilot program.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-96** Workers' compensation - workers' classification appeals board - continuation under sunset law - members. Current law requires the commissioner of insurance (commissioner) to appoint 2 members to the workers' compensation classification appeals board who are salaried employees of an insurance company that issues workers' compensation insurance policies in this state or who are representatives of Pinnacol Assurance, but both members may not be representatives of Pinnacol Assurance or of the same insurance company.

The act requires the commissioner to appoint:

- One member who is a salaried employee of an insurance company or a representative of Pinnacol Assurance; and
- One member who is a salaried employee of an insurance company, a representative of Pinnacol Assurance, or an insurance agent.

The act maintains the prohibition against appointing a representative of Pinnacol Assurance or of the same insurance company to both positions on the board. The act also gives the commissioner the option to appoint an insurance agent to serve as an alternate member if one of the appointed members recuses himself or herself. The act continues the workers' compensation classification appeals board until 2032.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** April 15, 2021

**S.B. 21-218** Employment and training technology fund - allocations to and from fund - cap on cumulative revenue - transfer to unemployment compensation fund - future repeal of allocation to fund. Under current law, revenue from an assessment on employers' unemployment insurance premiums, not to exceed \$10 million per year and not to exceed cumulative revenue of \$100 million, is allocated to the employment and training technology fund (technology fund) in the division of unemployment insurance (division) in the department of labor and employment to fund employment and training automation initiatives

established by the director of the division. Any amount of revenues from the assessment that exceeds the \$10 million annual cap or the \$100 million cumulative revenue cap is allocated to the unemployment compensation fund. Additionally, if the balance in the unemployment compensation fund falls below \$100 million, the balance in the technology fund is allocated to the unemployment compensation fund.

The act:

- Eliminates the allocation of the technology fund balance to the unemployment compensation fund when the unemployment compensation fund balance falls below \$100 million;
- Eliminates the \$10 million cap on annual allocations to the technology fund and adds a new \$7 million annual cap starting July 1, 2023;
- Adds a cap of \$31 million on cumulative revenue to the technology fund until June 30, 2023;
- Transfers any amounts credited to and remaining in the technology fund between July 1, 2020, and the effective date of the act to the unemployment compensation fund; and
- Repeals the assessment for the technology fund on June 30, 2031.

**APPROVED** by Governor April 27, 2021

**EFFECTIVE** April 27, 2021

**S.B. 21-233** Department of labor and employment - executive director - new American advisor - office of new Americans - feasibility study - wage replacement - unemployed individuals ineligible for unemployment benefits - recommendations - appropriation. The act requires the executive director of the department of labor and employment (executive director), in partnership with the director of the division of unemployment insurance, the office of the governor, and either the new American advisor in the department or the director of the office of new Americans (ONA), if established, to study the feasibility of establishing a contract with a nonprofit, third-party entity to administer a wage replacement program for individuals who are unemployed through no fault of their own and who are ineligible for regular unemployment benefits due to their immigration status. The executive director and the new American advisor or director of the ONA are required to submit recommendations to the governor and to the senate business, labor, and technology committee and the house of representatives business affairs and labor committee.

\$75,000 is appropriated to the department of labor and employment for the wage replacement program study.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

**S.B. 21-251** Family and medical leave program - fund - loan from general fund - repayment terms - appropriation. The act requires the state treasurer to transfer \$1,500,000 from the general fund to the family and medical leave insurance fund for the purpose of defraying expenses incurred by the division of family and medical leave insurance (division) before the

division receives premium revenue or revenue bond proceeds. The transfer is a loan from the state treasurer to the division that is required to be repaid and is not a grant for purposes of the state constitution or any other state law.

The division is required to repay the loan and accumulated interest by December 31, 2023.

Of the \$1,500,000 transferred pursuant to the act:

- \$1,162,202 is available for use by the division for program costs, including an additional 6.0 FTE;
- \$231,920 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services for the department of labor and employment; and
- \$105,878 is reappropriated to the department of law to provide legal services for the department of labor and employment.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

**H.B. 21-1007** State apprenticeship agency - oversight of apprentices and registered apprenticeship programs - state apprenticeship council - interagency advisory committee on apprenticeship - joint resolution committee - registration - deregistration - hearings - rules - appropriation. The act creates the state apprenticeship agency (SAA) in the department of labor and employment (department) and specifies that it exercises its powers, duties, and functions, including rule-making, regulation, licensing, and registration, the promulgation of rates and standards, and the rendering of findings, orders, and adjudications, independently of the executive director of the department. The executive director of the department is required to appoint the director of the SAA. The purpose of the SAA is to:

- Serve as the primary point of contact with the United States department of labor's office of apprenticeship concerning apprentices and registered apprenticeship programs;
- Accelerate new apprenticeship program growth and assist in promotion and development; and
- Oversee apprenticeship programs, including registration, required standards for registration, certification, quality assurance, record-keeping, compliance with federal laws and standards, and provision of administrative and technical assistance.

The director of the SAA is authorized to promulgate rules to implement the state apprenticeship registration program.

The director of the SAA is required to establish the state apprenticeship council (SAC) and an interagency advisory committee (IAC) on apprenticeship. The governor and the director of the SAA appoint the members of the state apprenticeship council and the interagency advisory committee.



The SAC is charged with overseeing registered apprenticeship programs for the building and construction trades in this state and ensuring compliance with state and federal laws and standards. The IAC is charged with the same responsibilities for all other apprenticeships not in the building and construction trades. Both entities are charged with:

- Registering with and maintaining the standards of the United States department of labor's office of apprenticeship and developing standards for registration for their respective apprenticeship programs;
- Resolving conflicts and complaints that arise between parties to apprenticeship agreements;
- Reviewing apprenticeship program performance;
- Making recommendations concerning apprenticeship programs to the director of the state apprenticeship agency;
- Providing technical and professional guidance and promoting best practices;
- Developing administrative policies to ensure safety and quality standards;
- Providing an annual report to the executive director of the department of labor and employment; and
- Advising the SAA concerning their assigned functions and formulating policies for their respective industries.

The act establishes a joint resolution committee of the state apprenticeship council and the interagency advisory committee to resolve conflicts between the 2 entities and to define their respective jurisdictions.

Additionally, the act requires the state apprenticeship agency to accept applications for registration of apprenticeship programs beginning July 1, 2023. The state apprenticeship agency may deregister an apprenticeship program for noncompliance with the requirements in the act. The state apprenticeship agency shall conduct a hearing upon request of the SAC or the IAC regarding issues of noncompliance and deregistration.

The apprenticeship program is repealed, effective September 1, 2029, after a review of the director's functions is performed.

To implement this act, \$485,249 is appropriated to the department of labor and employment for use by the SAA. From this amount \$85,072 is appropriated to the department of law, and \$78,598 is appropriated to the office of the governor.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** July 1, 2021

**H.B. 21-1050** Workers' compensation - addition of guardian ad litem and conservator services - mileage reimbursement - offsets to disability benefits - disability and impairment benefits - selection of independent medical examiner - whole person impairment rating - benefits and penalties deemed paid - admission of liability - issues of compensability and liability - authority of prehearing administrative law judge - threshold amount for permanent partial disability to cease - orders subject to review or appeal. The act:

- Adds guardian ad litem and conservator services to the list of medical aid that an employer is required to furnish to an employee who is incapacitated as a result of a work-related injury or occupational disease;
- Requires an injured worker who is claiming mileage reimbursement for travel related to obtaining compensable medical care to submit a request to the employer or insurer within 120 days after the expense is incurred, and requires the employer or insurer to pay or dispute mileage within 30 days after submittal and to include in the brochure of claimants' rights an explanation of rights to mileage reimbursement and the deadline for filing a request;
- Clarifies that offsets to disability benefits granted by the federal "Old-Age, Survivors, and Disability Insurance Amendments of 1965" only apply if the payments were not already being received by the employee at the time of the work-related injury;
- Prohibits the reduction of an employee's temporary total disability, temporary partial disability, or medical benefits based on apportionment under any circumstances; limits apportionment of permanent impairment to specific situations; and declares that the employer or insurer bears the burden of proof, by a preponderance of the evidence, at a hearing regarding apportionment of permanent impairment or permanent total disability benefits;
- Adds the following conditions that must be met for an employer or insurer to request the selection of an independent medical examiner when an authorized treating physician has not determined that the employee has reached maximum medical improvement (MMI): An examining physician must have examined the employee at least 20 months after the date of the injury, have determined that the employee has reached MMI, and have served a written report to the authorized treating physician specifying that the examining physician has determined that the employee has reached MMI; and the authorized treating physician must have responded that the employee has not reached MMI or must have failed to respond within 15 days after service of the report;
- Changes the whole person impairment rating applicable to an injured worker from 25% to 19% for purposes of determining the maximum amount of combined temporary disability and permanent partial disability payments an injured worker may receive;
- Clarifies when benefits and penalties payable to an injured worker are deemed paid;
- Prohibits an employer or insurer from withdrawing an admission of liability when 2 years or more have passed since the date the admission of liability on the issue of compensability was filed, except in cases of fraud;
- Prohibits the director of the division of workers' compensation or an administrative law judge from determining issues of compensability or liability unless specific benefits or penalties are awarded or denied at the same time;
- Clarifies the scope of authority of prehearing administrative law judges;
- Increases the threshold amount that an injured worker must earn in order for permanent total disability payments to cease and allows for annual adjustment of the threshold amount starting in 2022; and

- Clarifies the orders that are subject to review or appeal.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1065** Private employers - veterans' preference hiring policy - office of economic development - office of film, television, and media - production materials to educate and encourage employers to hire veterans - appropriation. The act creates a statutory basis to allow a private employer to give preference to a veteran of the armed forces or the National Guard and the spouse of a service member killed in the line of duty when hiring a new employee, as long as the veteran or the spouse is as qualified as other applicants for employment. The act allows a private employer's veterans' preference employment policy to also include the preferential hiring of a veteran who has been discharged from active duty within the last 5 years, a spouse of a veteran killed in the line of duty within 5 years after the death, and a veteran with a disability within 10 after the date of discharge. The act creates a rebuttable presumption that a private employer that adopts a program that gives preferences to veterans or their spouses is not committing a discriminatory or unfair labor practice.

The act requires the office of economic development to begin the development of production materials to educate and encourage employers to hire veterans.

\$25,000 is appropriated to the office of economic development for allocation to the office of film, television, and media for the development of production materials.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1095** Maintenance of county gravel or dirt road right-of-way - exemption from excavation notification requirements. An individual or entity must generally notify the statewide notification association of all owners and operators of underground facilities of its intent to engage in excavation so that any underground facilities that the excavation might affect, such as water and sewer pipes, gas lines, and electric or cable lines, can be located and marked before excavation begins. Underground facilities are often located beneath the right-of-way of county gravel and dirt roads, normally at a depth of at least 18 inches below the road surface. Counties maintain the profile and surface condition of county roads and such county road rights-of-way by engaging in routine and emergency maintenance activities that do not disturb more than 6 inches in depth. Before the passage of the act, these maintenance activities triggered the excavation notification requirement, and the related requirement that the location of underground facilities be marked, even though they occur above the levels where underground facilities are located. The act specifies that excavation that is routine or emergency maintenance of the right-of-way of a county-maintained gravel

or dirt road and is performed by county employees does not require notification of the notification association or location marking unless the excavation will:

- Lower the existing grade or elevation of the road or any adjacent shoulder or the designed and constructed elevation of any adjacent ditch flowline; or
- Disturb more than 6 inches in depth as it is conducted.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** June 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1149** Strengthening photovoltaic and renewable careers (SPARC) workforce development program - energy sector career pathway - Colorado work force development council - workforce centers - community colleges - appropriation. The act requires the Colorado work force development council (council), in collaboration with local work force boards, the department of education, superintendents of local school districts, the state board for community colleges and occupational education (community college board), and other postsecondary partners, to design a career pathway for students in the energy sector using an existing statutory model for the design and implementation of career pathways. The act defines "energy sector" to include electromechanical generation and maintenance, electrical energy transmission and distribution, energy efficiency and environmental technology, and renewable energy production.

The act creates the strengthening photovoltaic and renewable careers (SPARC) workforce development program (SPARC program) in the department of labor and employment (department). The purpose of the SPARC program is to create capacity for and bolster training, apprenticeship, and education programs in the energy sector career pathway to increase employment in the energy sector, prioritizing in-demand and growing occupations in the energy sector. The department, the council, the community college board, and the department of higher education shall use money appropriated by the general assembly to expand the capacity of training programs and support the energy sector career pathway, as described in the act. The department, in consultation with the council, the community college board, and the department of higher education, shall determine the amount of money allocated to public institutions of higher education, local workforce development areas, and others. The act creates the SPARC program fund.

By November 1, 2022, and each November 1 thereafter, the act requires the council to submit an annual report to the house of representatives business affairs and labor committee, energy and environment committee, and education committee, or their successor committees, and to the senate business, labor, and technology committee, transportation and energy committee, and education committee, or their successor committees, concerning the implementation of the SPARC program and the use of funding, and to present a summary of the report at the department's annual presentation to the general assembly. The act repeals the program, effective July 1, 2026.

For the 2021-22 state fiscal year, the act appropriates:

- \$90,048 and 1.3 FTE to the department from the SPARC program fund for one-stop workforce center contracts and the Colorado work force development council; and
- \$1,724,590 to the department of higher education from the SPARC program fund for the community college board and state system community colleges.

**APPROVED** by Governor June 16, 2021

**EFFECTIVE** June 16, 2021

**H.B. 21-1204** Common paymaster - employee leasing company exception - medical or retail marijuana business - employment security act. Current law states that a common paymaster is not a single employing unit for purposes of considering the services performed by another employing unit subject to a single or common payroll. The act creates an exception for an employee leasing company or other employing entity that is owned by one or more persons who have a medical or retail marijuana license and who own at least 50% of an entity that shares the employee leasing company's or other employing entity's services. The employee leasing company or other employing entity is not considered a common paymaster for the purposes of the "Colorado Employment Security Act".

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**H.B. 21-1207** Workers' compensation - overpayment of benefits - definition - credits against overpayments - reopening an award. The act defines "overpayments" of workers' compensation benefits as money received by a claimant that:

- Is a result of fraud;
- Is the result of an error due only to miscalculation, omission, or clerical error asserted in a new admission of liability;
- Is paid in error or in excess of an admission or order that exists at the time that the benefits are paid to a claimant; or
- Results in duplicate benefits as specified in the act.

The act also:

- Clarifies that these limitations on overpayments do not prevent an insurance carrier or employer from receiving a credit against permanent disability benefits for temporary disability benefits paid beyond the date of maximum medical improvement and do not prevent the director of the division of workers' compensation or an administrative law judge from determining overpayments and requiring repayment of overpayments; and
- Prohibits the director or an administrative law judge from reopening an award

of benefits paid to a claimant due to an overpayment except in limited, specific circumstances.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** January 1, 2022

**H.B. 21-1264** American Rescue Plan Act - allocation of federal money - worker training - workforce innovation - career and technical education programs - adult education and literacy - deadlines to obligate and expend - reporting requirements - appropriation - department of labor and employment authority over state funds. The act creates the workers, employers, and workforce centers cash fund (fund) for the purpose of responding to the COVID-19 public health emergency and the negative economic impacts of the pandemic as follows:

- To provide assistance to unemployed workers, including job training;
- To provide assistance to households;
- For programs, services, or other assistance for populations disproportionately impacted by the public health emergency, including programs or services to address or mitigate the effects on education;
- To provide aid to impacted industries, small businesses, and nonprofit organizations through the provision of related educational and job training services; and
- For related administrative costs.

The act directs the state treasurer to transfer to the fund \$200 million of the money the state received pursuant to the federal "American Rescue Plan Act of 2021" (ARPA) and \$25 million from the general fund. Of this amount, the act appropriates a total of \$75 million for use in the 2021-22 state fiscal year, allocated in the following amounts and for the following purposes related to assisting unemployed workers, aiding impacted industries, and addressing or mitigating the impacts of the public health emergency on education:

- \$25 million for the investments in reskilling, upskilling, and next-skilling workers program (program), which is an initiative of the state work force development council (state council) to facilitate training for unemployed and underemployed workers in the state during times of substantial unemployment, defined as an unemployment rate that exceeds 4% statewide or within a work force development area. Of this amount, the state council, in collaboration with the department of labor and employment (department), is directed to allocate: \$20.75 million to local work force development areas for the program; \$3 million for a grant program developed by the state council to award grants to other partners to provide reskilling, upskilling, and next-skilling supports to eligible individuals for up to 13 months; and \$1.25 million for the department to conduct outreach and recruitment, provide access to digital platforms for career navigation, issue licenses for virtual training classes, and implement, administer, and report on the program, with any portion of the \$1.25 million that is unencumbered and unexpended as of June 30, 2022, reallocated for the program and the grant program.

- \$35 million for programs and initiatives established under the "Work Force Innovation Act", including \$17.5 million for allocation to work force development boards for the work force innovation grant program to promote innovation to improve outcomes for learners and workers by helping prepare Coloradans for well-paying, quality jobs; and \$17.5 million for use by the state council for statewide work force innovation initiatives;
- \$10 million to the department of higher education for allocation by the state board for community colleges and occupational education to specified career and technical education providers to expand equipment, facility, and instruction capacity in key career and technical education job demand areas identified in the annual Colorado talent report; and
- \$5 million to the department of education for the adult education and literacy grant program.

As required by ARPA, the money appropriated in the act must be obligated by December 31, 2024, and expended by December 31, 2026, and recipients of ARPA money must comply with reporting requirements specified in ARPA and by the state controller.

The act also authorizes the department to receive and expend money from the general fund or any other state source that is appropriated by the general assembly or passed through another entity for purposes of distributing state funds to work force development areas to implement work force development activities. The act specifies that state money appropriated or passed through to the department is not subject to limits imposed on the use of money received by the department pursuant to specified federal laws.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

**NOTE:** Certain provisions of this act are contingent on the adoption of Senate Bill 21-288. Senate Bill 21-288 was approved by the governor June 11, 2021.

**H.B. 21-1290** Just transition cash fund - coal transition worker assistance program account - additional funding - appropriations. The act makes general fund transfers of \$8,000,000 to the just transition cash fund (fund) and \$7,000,000 to a newly created coal transition worker assistance program account (account) in the fund. The just transition office (office) is required to expend at least 70% of the money transferred to the fund by the close of state fiscal year (FY) 2021-22 and any remaining money in state FY 2022-23 to implement the final just transition plan for Colorado and to provide supplemental funding for existing state programs that the office identifies as the most effective vehicles for targeted investment in coal transition communities. In expending the money, the office is required to develop specific criteria for prioritizing the expenditures, emphasize investment in tier one transition communities, as defined by the act, and support specified types of programs in accordance with specified requirements and limitations.

Subject to specified requirements and limitations, the department of labor and employment (CDLE) is required to expend at least 70% of the money transferred to the account by the close of state FY 2021-22 and any remaining money in state FY 2022-23 first

for assistance programs that directly assist coal transition workers and then, if money remains, to support family and other household members of coal transition workers and create and implement a pilot program to test innovative coal transition work support programs.

The act also:

- Amends and supplements existing definitions of "coal transition community" and "coal transition worker" to improve the implementation of just transition.
- For state FY 2020-21, appropriates \$8,000,000 from the fund to CDLE for use by the office to implement the final just transition plan for Colorado and to provide supplemental funding for existing state programs that the office identifies as the most effective vehicles for targeted investment in coal transition communities as specified in the act. Any portion of the appropriation not spent by the close of state FY 2020-21 remains available for expenditure by the office for the same purposes until the close of state FY 2022-23.
- For state FY 2020-21, appropriates \$7,000,000 from the account to CDLE for use by CDLE first for assistance programs that directly assist coal transition workers and then, if money remains, to support family and other household members of coal transition workers and create and implement a pilot program to test innovative coal transition work support programs as specified in the act. Any portion of the appropriation not spent by the close of state FY 2020-21 remains available for expenditure by CDLE for the same purposes until the close of state FY 2022-23.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021



## MILITARY AND VETERANS

**S.B. 21-15** Veterans - funeral services - stipend - appropriation. The act requires the department of military and veterans affairs (department) to pay, subject to available money, a stipend of up to \$75 to a veterans service organization for each time the organization performs a basic military funeral honors ceremony or other funeral-related services for an honorably discharged veteran. The act requires the department to create a process for veteran service organizations to apply for and receive a stipend.

The act appropriates \$30,930 from the general fund and provides for an additional 0.3 FTE to the department for the western slope veterans cemetery.

**APPROVED** by Governor May 27, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-26** LGBT veteran status - state veteran benefit eligibility. The act establishes a "discharged LGBT veteran" status for the purposes of Colorado law. A person is a discharged LGBT veteran if the person was discharged from the armed services due to:

- The person's sexual orientation, gender identity, or gender expression;
- Statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity, or gender expression unless the statements, conduct, or acts are prohibited by the uniform code of military justice on grounds other than the person's sexual orientation, gender identity, or gender expression; or
- The disclosure of statements, conduct, or acts relating to sexual orientation, gender identity, or gender expression that were prohibited by the armed services at the time of discharge.

A person who received a dishonorable discharge, bad conduct discharge, or, if the person was an officer, a dismissal from the armed services is not eligible to be a discharged LGBT veteran.

Pursuant to a process established by the division of veterans affairs, the board of veterans affairs determines whether a person qualifies as a discharged LGBT veteran. This determination does not change the veteran's official character of discharge on the veteran's discharge paperwork, nor does it affect a person's eligibility for federal veterans programs or benefits. The act amends various existing state programs and benefits to make a discharged LGBT veteran eligible for those programs and benefits.

**APPROVED** by Governor April 19, 2021

**EFFECTIVE** November 11, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-32** Mobile veterans-support unit grant program - mobile veterans-support unit - appropriation. The act establishes a mobile veterans-support unit grant program (grant program) to provide grant funding to a veteran-owned-and-focused organization to create a mobile veterans-support unit. A mobile veterans-support unit acts as a point of contact to veterans in rural areas or to veterans experiencing homelessness, regardless of the veteran's discharge status. The mobile veterans-support unit transports veterans who do not have access to public or private transportation. The act requires the mobile veterans-support unit to make every effort to ensure the vehicle is compliant with the federal "Americans with Disabilities Act of 1990".

The division of local government (division), created as a division of the department of local affairs, shall establish and administer the grant program.

For the 2021-22 state fiscal year, \$229,070 is appropriated from the general fund and an additional 0.6 FTE is provided to the division to implement the act.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1116** State parks - free entrance - purple heart recipients. The act allows Colorado residents who display a purple heart special license plate free entrance to any state park or recreation area, not including campgrounds, on any day of the year that such park or area is open.

The act also allows a Colorado resident to acquire a free transferable annual state parks pass by presenting the same documents required for a purple heart special license plate at a regional office or the central office of the division of parks and wildlife, or at any other locations the division determines. Thus, Colorado residents who have received a purple heart will be able to obtain free access to state parks without acquiring a purple heart special license plate.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1231** Military forces - Space National Guard and Space Force. The act authorizes the Space National Guard to be added to provisions in statute that mention the Army National Guard and Air National Guard. The federal government is likely to create the Space National Guard in the "FY 2022 National Defense Authorization Act". Implementing the Space National Guard in existing statute now will allow the Air National Guard space units to transition to the Space National Guard once the federal government establishes the Space

National Guard.

The act also adds "Space Force" to provisions in statute that list the branches of the armed forces: Army, Navy, Air Force, Marines, and the Coast Guard.

**APPROVED** by Governor May 28, 2021      **PORTIONS EFFECTIVE** May 28, 2021

**Note:** Portions of this act take effect only if the federal government creates the Space National Guard in the "FY 2022 National Defense Authorization Act" and take effect on the date of written notice to the revisor of statutes.

## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 21-69** License plates - expiration upon transfer of motor vehicle - availability of plates in previously retired style - appropriation. The act specifies that:

- The license plates of a motor vehicle that is Class C personal property for purposes of the laws governing the levying of specific ownership tax and registration of vehicles expire upon the transfer of the owner's title or interest in the motor vehicle; except that the license plates do not expire if the motor vehicle has personalized number plates or plates with a valuable registration number that has been reserved for use under the "Laura Hershey Disability Support Act" (LHDSA);
- If either the expired license plates are personalized license plates or the owner wishes to continue to use the same combination of letters or numbers on the owner's expired license plates that were not originally issued as personalized license plates, the owner retains the priority right to use the combination of letters or numbers displayed on the expired license plates to the extent provided for in current law and may, after surrendering the expired license plates to the department of revenue (department), apply for personalized license plates that use the combination in the manner specified in current law when registering another motor vehicle; and
- The department shall approve any application for personalized license plates received from an individual who wishes to retain the same combination of letters or numbers displayed on the individual's expired license plates and who has surrendered the expired plates to the department unless the department determines that the combination is misleading or duplicates another registration number or that, due to evolving social mores, the combination, despite having previously been issued, carries connotations offensive to good taste or decency.

Class C personal property includes passenger cars, noncommercial light trucks, and motorcycles. The act does not apply to the transfer or assignment of an owner's interest in Class C personal property that is a horseless carriage.

The act also authorizes the department to issue license plates in the previously retired style that had white letters and numbers on a background of green mountains and a white sky to individuals who request such plates and requires the department to charge additional fees consisting of the existing personal license plate fee plus a fee of \$25 for such plates. The \$25 fee must be credited to the disability support fund for the purposes of the LHDSA.

For the 2021-22 state fiscal year, \$598,290 is appropriated to the division of motor vehicles in the department and \$256,970 of the appropriation is reappropriated to the division of correctional industries in the department of corrections to implement the act.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

**S.B. 21-76** Electronic titling, lien, and registration of vehicles - fees - appropriation. Before the act was passed, the law provided for an electronic system to transmit registration, lien, and titling information to the department of revenue (department). The act imposes a per-transaction fee up to \$3, set by the department, on third-party providers that issue registrations and titles to administer the system. This fee will also be set and collected to reimburse the general fund for the \$1,631,792 appropriated to implement the system.

The general assembly is authorized to make an appropriation from the general fund or the highway users tax fund to fund the system. For the 2021-22 state fiscal year, \$1,631,792 is appropriated from the general fund to the department.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**S.B. 21-84** Local governments - roughed-in roads - authority to prohibit operation of motor vehicles and off-highway vehicles. The act authorizes local governments to prohibit the operation of motor vehicles or off-highway vehicles on roughed-in roads, which are areas where the ground has been cut with the intention to make a road but has not been improved enough to qualify as a road.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-253** Registration - special license plates - women veterans who have disabilities - fees - appropriation. Veterans who have disabilities may obtain a special license plate without paying taxes or fees for the plate or the vehicle. For additional vehicles, the veteran pays the normal fees plus 2 one-time fees of \$25, one of which goes to the highway users tax fund and the other goes to the licensing services cash fund.

The act creates a license plate that honors United States women veterans who have disabilities. The requirements and benefits are substantially the same as they are for a disabled veteran license plate.

For the 2021-22 state fiscal year, \$5,481 is appropriated for use by the division of motor vehicles to implement the act.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-257** Special mobile machinery - exemption of certain machinery from motor vehicle registration requirements. The act allows an owner of special mobile machinery who regularly rents or leases the special mobile machinery and who pays specific ownership tax on a monthly basis in an amount equal to 2% of the rental or lease payments for the special mobile machinery to apply to the department of revenue for a registration exempt certificate. The department shall issue the certificate if:

- The department verifies that the owner regularly has 1,000 or more items of such special mobile machinery in the state;
- Each item of such special mobile machinery is clearly marked or painted in a manner that identifies it as being owned by the owner;
- Each item of such special mobile machinery bears a visible and readily identifiable unique identification number assigned by the owner; and
- Each item of such special mobile machinery bears a visible toll-free telephone number for the owner that can be used for verification of ownership.

The owner of any item of special mobile machinery that is covered by a registration exempt certificate is required to pay, at the time during each calendar year in which specific ownership tax is first paid for the item, all fees and surcharges that would otherwise be paid at the time of registration; except that the owner is not required to pay any fee imposed for the purpose of covering the direct costs of license plates, decals, or validating tabs or the direct costs incurred by an authorized agent of the department of revenue in registering or issuing license plates, decals, or validating tabs for the item.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 1, 2022

**H.B. 21-1014** Persons with a disability - driver's licenses and identification cards - optional disability identifier symbol - information attached to vehicle registration - notification to peace officers - report - appropriation. The act creates an option for a person with a disability that interfere's with the person' ability to effectively communicate with a peace officer to request that the department of revenue (department) place a discreet disability identifier symbol on the person's driver's license or identification card. The symbol must represent all types of disabilities, such as cognitive disabilities, neurological diversities, mental health disorders, sensory needs, chronic illness, chronic pain, and physical disabilities. The person may also choose to have the disability information removed from the driver's license or identification card and the department will issue a new driver's license or identification card. There is no fee to either place the symbol on or remove the symbol from a driver's license or identification card.

The act also requires the department to collect information that the owner of a vehicle voluntarily discloses about the disability of a person who is either authorized to drive, or a regular passenger of, the registered vehicle. The department shall make this information immediately available to a peace officer who queries information about the registered vehicle. The vehicle owner may also choose to have the disability information removed from the vehicle registration information.

The department is required to notify peace officers about the creation of the disability identifier symbol and the availability of information regarding the disability of a driver or passenger of a motor vehicle.

By January 15, 2023, and each year thereafter, the department is required to report to legislative committees the percentage of persons who register a vehicle and have disclosed disability information.

To implement the act, \$89,298 is appropriated from the general fund to the department of revenue.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** July 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1024** Certificates of title - off-highway vehicles - taxes - appropriation. The act requires an off-highway vehicle to have a certificate of title in order to be transferred on or after July 1, 2023, unless the vehicle is exempt. Personal watercraft is added to the definition of off-highway vehicles, which requires registration.

The act also exempts private transfers of off-highway vehicles from sales and use tax if the transfer occurred between individuals who are not dealers on or after July 1, 2014, and before July 1, 2023.

Off-highway vehicle dealers are authorized to access the department of revenue's ownership and lienholder records to verify motor vehicle ownership and lienholding information to prevent fraud.

Notwithstanding the requirement that an off-highway vehicle have a title to be transferred, the act authorizes a dealer to purchase an off-highway vehicle that was never titled if the dealer obtains an affidavit from the owner and the vehicle was:

- Privately transferred before July 1, 2023; or
- Used exclusively for agricultural purposes on private land.

The act appropriates \$45,887 for use by the division of motor vehicles and \$53,422 for use by the Colorado state patrol to implement the act.

**VETOED** by Governor July 2, 2021

**H.B. 21-1073** Registration - special license plates - support foster families - appropriation. The act creates the "support foster families" license plate for vehicles. A person is qualified to be issued the plate if the person makes a donation to a designated nonprofit organization that meets the act's qualifications. In addition to the normal fees for a license plate, a person

must pay 2 additional one-time fees for the issuance of the plate. The fees are credited to the highway users tax fund and the licensing services cash fund, respectively.

The act appropriates \$14,145 for use by the division of motor vehicles to implement the act.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1084** Drivers' licenses - acquisition by individuals in foster care - county departments to provide driving instruction - immunity from liability - appropriation. The act requires the state department of human services (state department) to reimburse a county or district department of human or social services (county department) for costs paid by the county department to a public or private driving school for the provision of driving instruction to an individual in the custody of the county department who is 15 to 20 years of age.

The act does not waive or limit a county department's governmental immunity or place any liability on a county department for:

- Contracting with a driving school to provide driving instruction to an individual who is in the custody of the county department; or
- An injury alleged to have occurred while an individual in the custody of the county department received driving instruction.

The act requires the state board of human services to promulgate rules on or before December 1, 2021, to administer the new requirements.

The act states that:

- A guardian ad litem, an official of a county department, or an official of the division of youth services in the state department who signs a minor's application for an instruction permit or a minor driver's license but does not sign an affidavit of liability does not impute liability on themselves, on the county, or on the state for any damages caused by the negligence or willful misconduct of the applicant; and
- An individual who is in the custody of the state department or a county department who does not possess all of the required documents to apply for an instruction permit or a minor driver's license may be eligible for exception processing pursuant to rules of the department of revenue.

The act requires the executive director of the department of revenue to promulgate rules on or before November 1, 2021, establishing, to the extent permissible under federal law, forms of documentation that are acceptable for the purpose of allowing individuals who



are in the custody of the state department or a county department to verify their legal residence in the United States, establish identity, and satisfy any other prerequisites for the acquisition of an instruction permit or a minor driver's license.

For the 2021-22 state fiscal year, the act appropriates \$54,180 to the department of human services for use by the division of child welfare to implement the act.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1128** Registration - special license plates - hospice and palliative care - fees - appropriation. The act creates the hospice and palliative care license plate for vehicles. A person is qualified to be issued the plate if the person makes a donation to a designated nonprofit organization. The person must also make an annual donation to the organization.

In addition to the normal fees for a license plate, a person must pay 2 additional one-time fees for the issuance of the plate. One of these fees is credited to the highway users tax fund and the other fee is credited to the licensing services cash fund.

To implement the act, \$6,907 is appropriated to the department of revenue for use by the division of motor vehicles.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1138** Off-highway vehicles - unlawful operation on public streets, roads, and highways. The act clarifies that it is unlawful to operate an off-highway vehicle on the public streets, roads, or highways of the state, regardless of the state or other jurisdiction in which the off-highway vehicle is registered or titled, except under certain existing exceptions.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** May 7, 2021

**H.B. 21-1139** Drivers' licenses - identification cards - renewal by mail and electronic means - renewal by seniors - issuance to minors - report to general assembly. Current law allows renewal of a driver's license by mail only every other renewal period. The act eliminates this restriction and allows renewal by mail only if the photo of the person that is on file with the department of revenue (department) is at least as recent as required by federal law.

Under current law, to renew a driver's license by mail, a person who is under 66 years of age must attest under penalty of law that the person has had an eye examination within the

preceding 3 years. A person who is 66 years of age or older must obtain a signed statement from an optometrist or ophthalmologist attesting that the person has had an eye examination within the last 6 months and attesting to the results of the examination. For both of these requirements, the act changes the threshold from 66 to 80 years of age. The act also requires a person who is under 80 years of age and renewing by mail to attest that the person has had an eye examination within one year before the renewal.

Current law allows electronic renewal of a driver's license only for drivers who are 21 to 65 years of age and only for 2 consecutive driver's license renewal periods. The act eliminates the upper age limit for electronic renewal and the renewal period restriction and allows a person to renew a driver's license electronically only if the photo of the person that is on file with the department is at least as recent as required by federal law.

Current law requires a person renewing a driver's license electronically to attest under penalty of law that the person has had an eye examination within the preceding 3 years. The act requires a person who is under 80 years of age and renewing electronically to attest that the person has had an eye examination within one year before the renewal. A person who is 80 years of age or older and renewing electronically must obtain a signed statement from an optometrist or ophthalmologist attesting that the person has had an eye examination within the preceding 6 months and attesting to the results of the examination.

Current law allows an applicant to renew an identification card electronically if the applicant is 21 to 64 years of age. The act allows applicants who are 65 years of age or older to renew an identification card electronically.

Under current law, the department may not issue a driver's license to a person under 18 years of age unless the person has submitted a log or other written evidence certifying that the person has completed a minimum amount of actual driving experience, and the form must be signed by the person who signed an affidavit of liability for the person. The act allows this form to be signed by the person's parent or guardian or by a responsible adult.

The act requires the department, on or before June 1, 2022, and on or before June 1 each of the next two years thereafter, to provide to the general assembly a report concerning motor vehicle accidents in Colorado, which report includes data, organized by the age of each at-fault driver, concerning the cause of each such accident, including data related to driver actions and the most apparent human contributing factor of each accident.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** May 24, 2021

**H.B. 21-1141** Registration - license plates - electric vehicles - appropriation. The act establishes the electric vehicle license plate, which is issued for use on electric motor vehicles. The electric vehicle license plates are issued to the owner of an electric motor vehicle upon registration of the vehicle and payment of applicable fees and taxes, unless the owner elects to use an alternative license plate. A person may be issued personalized electric vehicle license plates. The requirement for decals to identify electric motor vehicles applies only if a person has not obtained the electric vehicle license plate.

For the 2021-22 state fiscal year, the act appropriates \$91,636 for use by the division of motor vehicles to implement the act.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1145** Registration - special license plates - support pollinators - fees - appropriation. The act creates the support pollinators license plate for vehicles. A person qualifies for issuance of the plate if the person makes a donation to a designated nonprofit organization that supports pollinators. The organization must meet specified criteria, including having existed for at least 5 years, and use the donation for pollination programs and education.

In addition to the normal fees for a license plate, a person must pay 2 additional one-time fees for the issuance of the plate. One of these fees is credited to the highway users tax fund and the other fee is credited to the licensing services cash fund.

For the 2021-22 state fiscal year, the act appropriates \$22,544 to the department of revenue for use by the division of motor vehicles to implement the act.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1193** Supplemental restraint system components - deceptive trade practices - prohibitions related to installation or reinstallation. The act makes it a deceptive trade practice for a person to knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install, or reinstall a device intended to replace a supplemental restraint system component if the device is:

- A counterfeit supplemental restraint system component;
- A nonfunctional airbag; or
- Any object in lieu of a supplemental restraint system component that was not designed in accordance with federal safety regulations for the make, model, and year of the motor vehicle in which it is or will be installed.

The act also prohibits a motor vehicle repair facility or any employee or contract laborer of the facility from installing or reinstalling any device that causes the motor vehicle's diagnostic systems to fail to warn that:

- The motor vehicle is equipped with a counterfeit supplemental restraint system component;
- The motor vehicle is equipped with a nonfunctional airbag; or

- No airbag is installed.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1218** Special license plates - professional fire fighters. With regard to the Colorado professional fire fighters special license plate, the act:

- Reduces from 20 years to 15 years the length of time an organization must be in existence to qualify to issue the license plate; and
- Specifies the evidence an organization is to submit to demonstrate compliance with the requirement that an organization have at least 3,000 members residing in Colorado.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1219** Special license plates - Colorado nurses - appropriation. The act establishes a special license plate to recognize Colorado nurses. Beginning the earlier of January 15, 2022, or when the department of revenue (department) is able to issue the plates, the department shall issue Colorado nurses license plates to qualified applicants. The nurses foundation that satisfies all applicable requirements may design the Colorado nurses license plate, but the license plate must conform with standards established by the department. A person may apply for a Colorado nurses license plate if the person pays the required taxes and fees and provides to the department a certificate issued by the nurses foundation confirming that the applicant has made a donation to the nurses foundation in an amount that the nurses foundation may determine but that may not exceed \$100.

For the purpose of addressing the existing statutory requirement that a minimum of 3,000 persons commit to purchasing the Colorado nurses license plate, the department is required to include signatures collected by the Stephen T. Marchello Scholarship Foundation.

For each donation that the nurses foundation receives in association with the sale of a Colorado nurses license plate, the nurses foundation shall use a portion of the donation to provide scholarships to nurses from minority populations.

For the 2021-22 state fiscal year, the act appropriates \$17,490 to the department for use by the division of motor vehicles. Of this amount, \$5,400 is appropriated from the Colorado DRIVES vehicle services account in the highway users tax fund for DRIVES maintenance and support, and \$12,090 is appropriated from the license plate cash fund for

license plate ordering.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1245** Railroad crossings - motor vehicle safety. Colorado law requires a driver or operator of certain types of motor vehicles or equipment to, in certain circumstances, stop at a railroad crossing at a safe place, look for trains at the crossing, proceed safely through the crossing, not block the train's crossing, and obey signals. The act amends these safety provisions to apply to, in addition to trains, any equipment that operates on railroad tracks.

**APPROVED** by Governor June 7, 2021

**EFFECTIVE** September 7, 2021

**H.B. 21-1254** Motor vehicle registration - acquiring residence - taxes and fees - appropriation. Colorado law requires a person who moves to Colorado to register their motor vehicle within 90 days. The act requires a person who registers a vehicle after moving to Colorado to:

- Provide documentation of the vehicle's previous registration that contains the registration dates;
- Provide evidence of the date that the person became a Colorado resident unless the previous registration expired within 90 days before the owner applied to register the vehicle; and
- Pay the vehicle's registration taxes and fees that are prorated from the date the person became a Colorado resident to the date the person applied to register the vehicle unless the vehicle is used for interstate commerce or unless the owner registered the vehicle within 90 days after becoming a resident.

The effect of these listed changes is that an owner who fails to register the vehicle within 90 days will be assessed back taxes and fees. The additional fees are transferred to the Colorado DRIVES vehicle services account in the highway users tax fund (DRIVES account) that implements the computer system used by the division of motor vehicles and the county clerks. The department of revenue will lower motor vehicle fees to offset the additional revenues. The allocation and use of the taxes does not change. When the amount credited to the DRIVES account exceeds the appropriation to the DRIVES account, the excess money is credited as follows:

- The first \$7.5 million to the statewide bridge enterprise special revenue fund; and
- The remainder to the highway users tax fund.

Before the act was passed, Colorado law exempted people with expired temporary tags from paying the late fees for failing to register a vehicle. The act repeals this exemption.

The act also imposes prorated registration taxes and fees to capture missed revenue when a person fails to register a vehicle when required by law.

Colorado law limits to 2 the number of temporary plates that may be issued for a vehicle used to transport persons or property over the roads. The purchaser or owner may get a third plate if necessary for title or lien documentation. The act requires the purchaser or owner to pay the vehicle's registration taxes and fees to get the third temporary plate. If the sale is not consummated, the person who attempted to purchase the vehicle is entitled to a 12-month credit toward a subsequent registration of another vehicle.

For the 2021-22 state fiscal year, the act appropriates \$160,200 from the DRIVES account for use by the division of motor vehicles to implement the act.

**VETOED** by Governor July 7, 2021

**H.B. 21-1291** Certificates of title - total loss vehicle - agent of an insurers. Under Colorado law, an insurer who has declared a vehicle a total loss may obtain a salvage or nonrepairable title for the vehicle when the owner has failed to cooperate. The act authorizes an agent of an insurer to do the same.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1314** Driver's licenses - instruction permits - issuance and renewal - denial, revocation, cancellation, and suspension - study group - cash fund transfers - appropriations. The act repeals the department of revenue's (department) discretionary authority to take administrative action to:

- Cancel, deny, or deny renewal of a person's driver's license:
  - For unlawful or fraudulent use or conviction of misuse of license, titles, permits, or license plates;
  - Because the person failed to pay a monetary judgment or has an outstanding warrant relating to a traffic violation or a municipal violation committed when the person was under 18 years of age; or
  - Because the person failed to pay a judgment for using public transportation without paying the fare; and
- Cancel, deny, or deny renewal of a person's driver's license or identification card because the person failed to register all vehicles owned by the person.

The act repeals mandatory administrative actions by the department to revoke a person's driver's license or instruction permit following a first conviction for illegal underage possession or consumption of alcohol or marijuana or attempting to obtain alcohol when underage, and only permits revocation upon a second or subsequent conviction when a

person has failed to complete an alcohol evaluation or assessment, education program, or treatment program ordered by the court in connection with the conviction. The revocation can run concurrently with another suspension, revocation, cancellation, or denial.

The act repeals mandatory administrative actions by the department to:

- Revoke a person's driver's license or instruction permit because the person was convicted of, or has received a deferred judgment for, aggravated motor vehicle theft or second degree criminal trespass;
- Deny issuance or renewal of a person's driver's license because the person failed to pay a monetary judgment or has an outstanding warrant relating to a traffic violation or a municipal violation committed when the person was under 18 years of age or the person failed to pay a monetary judgment for using public transportation without paying the fare; or
- Suspend the driver's license of certain persons following conviction for selling, serving, or otherwise providing alcohol to or for an underage person or permitting or failing to prevent an underage person from using the person's identification to unlawfully purchase alcohol.

The act prohibits the department from denying to issue, renew, or reinstate a person's driver's license because the person failed to pay a monetary judgment or has an outstanding warrant relating to a traffic violation or a municipal violation. The person must pay the required fees for issuance or reinstatement of the license.

The act imposes a \$25 fee to issue or restore a person's license if the person's license was revoked because of a DUI, DUI per se, DWAI, or UDD conviction.

The act establishes a study group to examine methods to encourage people who have received a traffic citation and fail to appear in court to contest the citation or to pay any default judgment associated with the citation. The study group must report its findings and recommendations by December 31, 2021.

The act makes transfers from the marijuana tax cash fund (cash fund), adds an allowable appropriation from the cash fund, and makes appropriations.

**APPROVED** by Governor July 6, 2021

**PORTIONS EFFECTIVE** July 6, 2021  
**PORTIONS EFFECTIVE** January 1, 2022

**H.B. 21-1323** Registration - special license plates - Special Olympics - fees - appropriation. The act creates the Special Olympics Colorado license plate for motor vehicles. A person qualifies for issuance of the plate if the person makes a donation to a designated nonprofit organization. The designated nonprofit organization must:

- Be headquartered in Colorado;
- Have existed for at least 40 years;
- Provide year-round sports training and athletic competitions for children and

- adults with intellectual disabilities;
- Collaborate with schools throughout Colorado to bring students together through shared activities that include sports, leadership opportunities, and health education and fitness; and
- Ensure that the donation is spent in Colorado to support athletes with intellectual disabilities.

In addition to the normal fees for a license plate, a person must pay 2 additional one-time fees for the issuance of the plate. One of these fees is credited to the highway users tax fund and the other fee is credited to the licensing services cash fund.

For the 2021-22 state fiscal year, the act appropriates \$13,460 for use by the division of motor vehicles to implement the act.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.



## NATURAL RESOURCES

**S.B. 21-54** General fund - transfers to cash funds - wildfire response. The act requires the state treasurer to transfer \$6 million from the general fund to the forest restoration and wildfire risk mitigation grant program cash fund.

The state treasurer is also required to transfer \$3 million from the general fund to the wildfire preparedness fund. The division of homeland security and emergency management in the department of public safety is required to use this money:

- As the state match for federal hazard mitigation assistance grants to local governments that are used to mitigate wildland fire hazards; and
- To provide local governments that are eligible to receive the federal grants with strategic planning assistance for wildland fire hazard mitigation.

The state treasurer is also required to transfer \$4 million from the general fund to the Colorado water conservation board construction fund. This money is appropriated to the board for the watershed restoration program to support post-fire recovery and mitigation efforts.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-136** Forest health advisory council - continuation under sunset law. The act continues the forest health advisory council for 5 years, until 2026.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-237** Colorado forest health council - sunset. Current law repeals the forest health advisory council, which was created within the Colorado state forest service, on September 1, 2021, subject to sunset review. The act repeals the forest health advisory council and creates the Colorado forest health council within the division of forestry within the department of natural resources and specifies the new council's membership and duties. The council is scheduled for sunset review in 2026.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** September 2, 2021

**S.B. 21-245** Division of parks and wildlife - backcountry search and rescue - study - outreach and training program. The act defines "backcountry search and rescue" as the utilization, training, and support of responders, with their specialized equipment, to locate, provide assistance to, and remove to safety individuals who are lost, injured, stranded, or entrapped, generally in remote areas of the state. The division of parks and wildlife (division) within the department of natural resources must conduct a study and develop recommendations on the issues related to backcountry search and rescue, including how to develop a sustainable structure for coordination among the local, state, federal, and nonprofit

organizations involved in backcountry search and rescue, the adequacy of resources and benefits available to volunteers who provide backcountry search and rescue services, the funding needs for equipment and reimbursement, and the needs for volunteer training and public education. The division must also conduct outreach and training related to the physical and psychological support needs of backcountry search and rescue volunteers, which may include working with consultants, providing programs, or creating a grant program for local governments or nonprofit organizations providing backcountry search and rescue. The act makes conforming amendments related to the definition of "backcountry search and rescue".

**APPROVED** by Governor June 27, 20021

**EFFECTIVE** June 27, 20021

**S.B. 21-249** Parks and wildlife - Keep Colorado wild park pass - assessment of pass fee with vehicle registration - allocation of fees - appropriation. The act creates the keep Colorado wild pass (wild pass) for entry into state parks and other participating public lands. Commencing no earlier than January 1, 2023, but no later than January 1, 2024, each resident with one of the following motor vehicles that is not a commercial vehicle is assessed a fee for the wild pass (wild pass fee) when registering the motor vehicle:

- A passenger motor vehicle;
- A light-weight truck with an empty vehicle weight of less than or equal to 16,000 pounds;
- A motorcycle; or
- A recreational vehicle.

A resident may decline to pay the wild pass fee when registering the resident's motor vehicle, and nonpayment of the wild pass fee does not affect the resident's ability to register the motor vehicle. A resident who declines or fails to pay the wild pass fee is presumed to decline to pay the wild pass fee in subsequent years with respect to registration of the same motor vehicle, and the division of parks and wildlife in the department of natural resources (division) is required to develop an opt-in provision on subsequent registration notifications sent to the resident for that motor vehicle.

The parks and wildlife commission in the department of natural resources (commission) is required to adopt rules to set the wild pass fee and, for income-eligible households, a reduced wild pass fee and may establish a process for applying existing discounts or free entry to persons eligible for the discount or free entry to the wild pass. The commission may also adopt rules establishing a separate fee for a pass, including a separate fee for passes for nonresidents, residents who decline to pay the wild pass fee when registering the resident's motor vehicle, and residents who do not possess one of the motor vehicles listed above.

For each state fiscal year, the division will use the wild pass fees collected to achieve stated goals such as providing affordable access to state parks and public lands; managing state parks; supporting search and rescue and avalanche safety efforts; conserving vulnerable species and habitats; funding equity, diversity, and inclusion programs; and financing regional outdoor partnerships for community-driven planning and projects.

The division is required to:

- Develop language to notify motor vehicle registrants of their option to decline to pay the wild pass fee, which notice must be conspicuously placed on registration documents and on the division's and the division of motor vehicles' websites; and
- Implement a public outreach campaign, including outreach to and engagement of disproportionately impacted communities, to educate the public about the availability of the wild pass through the motor vehicle registration process and about access to state parks and public lands that the wild pass will provide.

The division is required to prepare annual reports on, and on or before March 1, 2025, and on or before March 1, 2030, to make presentations to a joint session of the legislative committees with jurisdiction over agriculture matters regarding, the number of wild passes sold in the previous 12 months, an accounting of the expenditures made with the increased revenue generated from sales of the wild pass, and a summary of the effect that those increased expenditures have had on the achievement of the stated goals.

The act also repeals limitations on the amount that the commission may increase fees for daily and annual park passes purchased by individuals who do not purchase the discounted wild pass, authorizes the division to enter into cooperative agreements with other land management agencies, and requires the division to develop a program for seeking, accepting, and expending gifts, grants, or donations.

For state fiscal year 2021-22, the act appropriates \$504,646 from the parks and outdoor recreation cash fund to the division for implementation of the wild pass and reappropriates \$108,200 of that money to the department of revenue for use by the division of motor vehicles for maintenance and support of the Colorado driver's license, record, identification, and vehicle enterprise solution (Colorado DRIVES).

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1180** Forest service - biomass utilization grant program - reporting - sunset review. The act requires the state forest service, at the discretion of the state forester, to implement a biomass utilization grant program (program) by awarding up to \$2.5 million in grants to demonstrate the utilization of biomass throughout the state for purposes such as wildfire prevention and mitigation, increased biomass energy generation, and agricultural biochar. The forest service, at the discretion of the state forester, may administer the program with money from the healthy forests and vibrant communities fund and with any gifts, grants, and donations received.

On or before March 1, 2023, and on or before March 1 in each year that the forest service awards one or more grants under the program, the state forest service shall submit a

report summarizing the grant recipients' projects to the governor and the legislative committees with jurisdiction over agriculture and natural resources matters.

The program is scheduled for sunset review in 2026.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1226** Aquatic nuisance species - check stations - failure to stop - civil infraction. Current law allows qualified peace officers to stop a conveyance, including a boat trailer and a boat, and inspect the conveyance for the presence of aquatic nuisance species before the boat is launched onto waters of the state and before departing from the waters of the state or a vessel staging area, and to impound and quarantine a conveyance that is contaminated until it is decontaminated. Authorized agents can detain and inspect conveyances but cannot impound or quarantine conveyances.

Section 1 of the act directs the division of parks and wildlife in the department of natural resources to investigate the methods that other states are using with respect to the location and operation of check stations and report regarding its investigation and the operation of check stations pursuant to the act to the general assembly's committees with jurisdiction over wildlife.

Section 2 authorizes a qualified peace officer to stop and inspect for the presence of aquatic nuisance species a conveyance that has encountered an aquatic nuisance species check station.

Section 3 prohibits a person who encounters a check station from knowingly or willfully failing or refusing to stop at the check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection and specifies that doing so is a civil infraction with a \$100 fine.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1243** Gray wolf reintroduction - funding. To fund the program implementation and administration the reintroduction and management of gray wolves, the act requires the general assembly to appropriate money to the division of parks and wildlife (division) or otherwise authorize the division's expenditure of money from one or more of the following funds:

- The general fund;

- The species conservation trust fund;
- The Colorado nongame conservation and wildlife restoration cash fund; or
- The wildlife cash fund; except that any money within the wildlife cash fund that is generated from the sale of hunting and fishing licenses or from associated federal grants is not available for appropriation.

The division is also authorized to solicit, accept, and expend any grants, gifts, sponsorships, contributions, donations, and bequests, including federal funds, for the program.

**APPROVED** by Governor June 27, 2021

**EFFECTIVE** June 27, 2021

**H.B. 21-1318** Outdoor equity - board - grant program - fund. The act establishes an outdoor equity board (board) in the division of parks and wildlife. The board is responsible for the governance of the outdoor equity grant program (grant program), which is created in the act. The purpose of the outdoor equity grant program is to increase access and opportunity for underserved youth and their families to experience Colorado's open spaces, state parks, public lands, and other outdoor areas.

The act specifies that the board may award grants to applicants that will directly utilize the grant to engage eligible youth and their families by reducing barriers to the Colorado outdoors, creating pathways for formal or informal conservation of the Colorado outdoors, or offering environmental and Colorado outdoor-based educational opportunities.

The act funds the grant program through a redistribution of lottery money that is earmarked for the general fund.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**H.B. 21-1326** Parks and wildlife - wildlife protection - avalanche safety - search and rescue - outdoor equity - state parks - appropriations. In the 2020-21 state fiscal year, the act transfers \$25 million from the general fund as follows:

- Section 1 transfers \$750,000 to the Colorado avalanche information center fund for use by the Colorado avalanche information center in the department of natural resources (department) to support backcountry avalanche safety programs;
- Section 2 transfers \$3.5 million to the wildlife cash fund for use by the division of parks and wildlife (division) in the department to implement its statewide wildlife action plan and the conservation of native species;
- Section 3 transfers \$2.25 million to the search and rescue fund for use by the department of local affairs in consultation with the division to support backcountry search and rescue efforts;
- Section 4 transfers \$1 million to the outdoor equity fund for use by the division to implement the outdoor equity grant program; and

- Section 5 transfers \$17.5 million to the parks and outdoor recreation cash fund for use by the division as follows:
  - \$3.5 million for staffing and maintenance projects; and
  - \$14 million for infrastructure and state park development projects.

Section 6 appropriates the amounts transferred in sections 1 to 5 to the department and the department of local affairs for the uses specified in sections 1 to 5 and authorizes the use of the money through the 2023-24 state fiscal year.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** June 21, 2021

**Note:** Certain provisions of the act take effect only if House Bill 21-1318 becomes law. House Bill 21-1318 was signed by the governor on June 21, 2021, and became law.

## PROBATE, TRUSTS, AND FIDUCIARIES

**S.B. 21-75** Supported decision-making agreements. The act allows an adult with a disability (adult) to voluntarily enter into a supported decision-making agreement (agreement) with one or more members of the supportive community. Under the agreement, the adult may request the member of the supportive community to do any of the following:

- Provide supported decision-making, including assistance in understanding the options, responsibilities, and consequences of the adult's life decisions, without making those decisions on behalf of the adult;
- Assist the adult in accessing, collecting, obtaining, and understanding information that is relevant to a given life decision from any person; and
- Assist the adult in communicating the adult's decisions to appropriate persons when expressly authorized by the adult.

The agreement may be in any form but is only valid if it contains certain information and is voluntarily signed by the adult and each member of the supportive community in the presence of 2 or more attesting and disinterested witnesses who are 18 years of age or older, or a notary public.

The act requires any person who receives the original or a copy of the agreement to rely on the agreement. A person is not subject to criminal and civil liability and does not engage in professional misconduct for an act or omission if the act or omission is done in good faith and in reliance on an agreement.

**APPROVED** by Governor April 26, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-162** Colorado uniform trust code - creditor's claims - spendthrift trusts. The act enacts part 5 of the Uniform Trust Code, including a number of Colorado-specific amendments. The act addresses the validity of spendthrift provisions and the rights of creditors, both of the settlor and beneficiaries, to reach a trust to collect a debt. The act provides certain exceptions that allow children for whom an order or judgment for child support has been entered to reach a trust in order to satisfy the child support order or judgment.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-171** Fiduciaries - Uniform Fiduciary Income and Principal Act. The act repeals the "Uniform Principal and Income Act" and replaces it with the "Uniform Fiduciary Income and

Principal Act" (UFIPA), as drafted by the Uniform Law Commission, with Colorado-specific amendments.

The UFIPA includes provisions concerning:

- Duties of fiduciaries;
- Judicial review of fiduciaries;
- Trusts in which the beneficiary receives a periodic payout of a percentage of the net value of trust assets, known as "unitrusts";
- Allocation of trust receipts and disbursements; and
- Procedures followed at the termination of a trust or an income interest in a trust.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** January 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-195** Medical treatment declarations - anatomical gift record - execution - notarization. Under existing law, a declaration made pursuant to the "Colorado Medical Treatment Decision Act" must be signed in the presence of 2 witnesses. The act permits the declaration to be witnessed, as described in existing law, or acknowledged before a notary public or other individual authorized by law to take acknowledgments.

A donor may make an anatomical gift by a donor card or other record signed by the donor. If the donor is physically unable to sign a record, the record may be signed by another individual at the direction of the donor and be witnessed by at least 2 adults, at least one of whom is a disinterested witness. The act permits the record of a person unable to sign to be witnessed, as described in existing law, or acknowledged before a notary public or other individual authorized by law to take acknowledgments.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** May 7, 2021

**H.B. 21-1004** Colorado Uniform Electronic Wills Act. The act enacts the "Colorado Uniform Electronic Wills Act", which declares that an electronic will is a will for all purposes of Colorado law. The act specifies the requirements for:

- Executing and revoking an electronic will;
- Simultaneously executing, attesting, and making an electronic will; and
- Certifying a paper copy of an electronic will.

**APPROVED** by Governor January 21, 2021

**EFFECTIVE** January 21, 2021



## PROFESSIONS AND OCCUPATIONS

**S.B. 21-3** Occupational therapy practice act - continuation under sunset law - scope of practice - protected titles - grounds for discipline. The act recreates, with amendments, the "Occupational Therapy Practice Act" (Act), which repealed September 1, 2020. Specifically, the act:

- Recreates and extends the Act for 9 years, until 2030;
- Modifies the legislative declaration and definitions related to the scope of practice of occupational therapy;
- Designates "occupational therapy consultant", "M.O.T.", "M.O.T./L.", "occupational therapy assistant", "O.T.A.", and "C.O.T.A." as protected titles and clarifies that individuals who legally practice temporarily as occupational therapists in Colorado may use protected titles;
- Reorders and amends certain provisions concerning examinations and applications for licensure by occupational therapists and occupational therapy assistants; and
- Adds certain prohibited behaviors as grounds for discipline.

**APPROVED** by Governor January 21, 2021

**EFFECTIVE** January 21, 2021

**S.B. 21-6** Mortuary science - natural reduction. The act authorizes human remains to be converted to soil using a container that accelerates the process of biological decomposition, also known as "natural reduction". Natural reduction is added to the statutes that regulate funeral establishments, and this addition will result in the regulation of the natural reduction process. But the definitions of "cremation" and "mortuary science practitioner" are amended so that a practitioner of natural reduction is not regulated as a cremationist or mortuary science practitioner.

The act allows the disposal of abandoned naturally reduced remains if the remains are not claimed within 180 days after natural reduction.

The act prohibits the following when done in the course of business:

- Selling or offering to sell the soil;
- Commingling the soil of more than one person without the consent of the person or persons with the right of final disposition unless the soil is abandoned;
- Commingling the human remains of more than one person without the consent of the person or persons with the right of final disposition within the container wherein natural reduction produces soil; or
- Using the soil to grow food for human consumption.

Colorado law has various provisions that deal with burial, cremation, interment, and entombment. In connection with authorizing natural reduction, the act replaces these terms with the phrase "final disposition", which term is defined to include natural reduction. The

act updates the following types of provisions to reflect the option to use natural reduction:

- Life insurance statutes;
- Preneed funeral insurance contracts;
- The "Mortuary Science Code";
- Funeral picketing statutes;
- Litigation damages;
- The "Colorado Probate Code";
- The "Disposition of Last Remains Act";
- The "Revised Uniform Anatomical Gift Act";
- Missing person reports for unidentified human remains;
- Public peace and order statutes;
- Vital statistics statutes;
- The "Colorado Medical Assistance Act";
- The "Colorado Human Services Code";
- The "Colorado Public Assistance Act"; and
- Firefighter pension plans.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-11** Pharmacists - dispensation of opioids - requirement to offer to prescribe opiate antagonist - duty to counsel - exceptions. The act requires a pharmacist who dispenses an opioid to an individual to inform the individual of the potential dangers of a high dose of an opioid and offer to prescribe the individual an opiate antagonist if:

- The individual is, at the same time, prescribed a benzodiazepine, a sedative hypnotic drug, carisoprodol, tramadol, or gabapentin; or
- The opioid prescription being dispensed is at or in excess of 90 morphine milligram equivalent.

If an individual accepts the offer for an opiate antagonist, the pharmacist is required to counsel the individual on how to use the opiate antagonist and notify the individual of available generic and brand-name opiate antagonists.

The act does not apply to a pharmacist dispensing a prescription medication to a patient in hospice or palliative care or a resident in a veterans community living center.

**APPROVED** by Governor June 4, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-21** Interstate compact - audiology - speech-language pathology - criminal history record check - rules - appropriations. The act enacts the "Audiology and Speech-language Pathology Interstate Compact", which allows audiologists and speech-language pathologists licensed in any compact state to provide:

- Audiology or speech-language pathology services in each member state under a privilege to practice; and
- Telehealth services in each member state under a privilege to practice.

To obtain a privilege to practice, an audiologist or speech-language pathologist must obtain a fingerprint-based criminal history record check, which is then considered in determining the applicant's qualifications to practice under the compact. The act authorizes the director of the division of professions and occupations in the department of regulatory agencies to promulgate rules and to facilitate Colorado's participation in the compact, including notification to the compact commission of any adverse action taken by the director against a Colorado audiologist or speech-language pathologist.

The act makes the following appropriations:

- \$151,440 and 0.3 FTE to the department of regulatory agencies from the division of professions and occupations cash fund, which includes \$15,425 for personal services, \$19,000 for operating expenses, \$17,014 to purchase legal services from the department of law, and \$100,000 to purchase information technology services from the governor's office;
- \$17,014 and 0.1 FTE to the department of law from reappropriated funds from the department of regulatory agencies;
- \$100,000 and 0.1 FTE to the office of the governor for use by the office of information technology from reappropriated funds from the department of regulatory agencies; and
- \$140,676 and 0.8 FTE to the department of public safety for use by the Colorado bureau of investigation from the Colorado bureau of investigation identification unit cash fund.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-40** Driver's history - licensing, registration, and certification - discipline. The act limits the conditions under which the appropriate regulatory authority in the department of revenue and the department of regulatory agencies may use a driver's history to make certain decisions about a license, permit, certification, or registration that is necessary to practice an occupation or profession or to operate a business. Felonies and misdemeanors are excluded from the meaning of "driver's history".

The decisions that are limited by the act concern:

- Issuing, renewing, reinstating, or reactivating the license, permit, certification, or registration; and
- Taking disciplinary action against the holder of the license, permit, certification, or registration.

The events in a driver's history used to make these decisions may be used only if the event is relevant to the profession or occupation and:

- The profession or occupation involves driving;
- The event is a part of a pattern of behavior; or
- The event occurred within 3 years before the person applied for the license, permit, certification, or registration or the act upon which the discipline is based.

**APPROVED** by Governor April 26, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-77** Professional credentialing - department of education - department of regulatory agencies - local governments - verification of lawful presence not required. The act eliminates the requirement that the department of education and each division, board, or agency of the department of regulatory agencies verify the lawful presence of each applicant before issuing or renewing a license.

The act also specifies that lawful presence is not required of any applicant for any state or local license, certificate, or registration. The act is a state law within the meaning of the federal law that gives states authority to provide for eligibility for state and local public benefits to persons who are unlawfully residing in the United States.

**APPROVED** by Governor May 27, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-92** Surgical assistants and surgical technicians - continuation of regulation under sunset law - waiting period before reapplying for registration - letters of admonition - confidential letters of concern - confidential agreements to limit practice - grounds for discipline. The act implements the recommendations of the department of regulatory agencies (department) in its sunset review and report on the surgical assistants and surgical technologists registration program. Specifically, the act:

- Continues the registration of surgical assistants and surgical technologists for 7 years, until 2028;
- Requires a surgical assistant or surgical technologist whose registration is

revoked or who has surrendered a registration in lieu of disciplinary action to wait 2 years before reapplying for registration and authorizes the director of the division of professions and occupations within the department (director) to issue letters of admonition and confidential letters of concern to surgical assistants and surgical technologists;

- Allows the director to enter into confidential agreements with surgical assistants or surgical technologists to limit practice based on an illness or other health condition that affects the ability to safely practice the profession; and
- Clarifies that a registrant may be disciplined for failing to notify the director of the limitations created by an illness or other health condition, act within such limitations, or act within the limitations imposed under a confidential agreement with the director to limit practice. The act also adds the following as grounds for discipline:
  - Habitual or excessive use or abuse of alcohol, a habit-forming drug, or a controlled substance;
  - Failing to notify the director within 30 days of any disciplinary action;
  - Failing to respond to a complaint against the registrant in a materially responsive and timely manner within 30 days after receiving the complaint;
  - Practicing outside the scope of the practice of a surgical assistant or surgical technologist; and
  - Failing to satisfy generally accepted standards of practice as a surgical assistant or surgical technologist.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-94** Pharmacy board - regulation of practice of pharmacy - continuation under sunset law - alignment with federal law - practice of pharmacy - practice as a pharmacy technician - board membership - board inspections of nonresident businesses - reporting malpractice settlements and judgments - substitutions of prescribed drugs - pharmacist counseling of new medication therapy - pharmacist designees to access prescription drug monitoring program database. The act implements recommendations of the department of regulatory agencies in its sunset review of and report on the state board of pharmacy (board) and its regulation of the practice of pharmacy and makes other modifications to the laws regulating the practice. Specifically:

- Sections 1 and 2 of the act continue the board and its functions for 9 years, until 2030, and consolidate within the sunset review the board's functions regarding the regulation of therapeutic interchange and therapeutically equivalent selections and of collaborative pharmacy practice agreements;
- Sections 3, 9, 10, 11, 18, 20, and 25 to 29 align the pharmacy practice act with the federal "Drug Quality and Security Act";
- Section 3 also:
  - Clarifies that an out-of-state pharmacy need not register with the board when distributing prescription drugs to in-state pharmacies under common ownership with the out-of-state pharmacy if the drugs remain

- in the original manufacturer's packaging and are not compounded and the transfer is necessary to address an inventory shortage;
- Includes in the definition of "other outlet" a community mental health clinic, a behavioral health entity, and an approved treatment facility, thereby allowing those facilities to register with the board and operate as a pharmacy outlet;
  - Repeals the term "pharmaceutical care" and replaces it with "pharmacist care services" to reflect the services pharmacists provide in addition to compounding and dispensing drugs;
  - Adds functions to the scope of practice of a pharmacy technician, such as documenting medical history and replenishing automated dispensing devices; and
  - Adds functions to the scope of practice of a pharmacist, such as prescribing certain drugs for limited conditions, ordering and evaluating laboratory tests, and performing limited physical assessments;
- Section 4 specifies that, of the pharmacist members of the board, one must be practicing in a hospital setting, one must be practicing in a chain pharmacy, and one must be practicing in an independent pharmacy;
  - Section 5 repeals the requirement that the board justify its reasons for deviating from a recommendation from the veterinary pharmaceutical advisory committee;
  - Sections 5, 6, 21 to 25, and 35 make technical amendments to the pharmacy practice act, such as eliminating references to "diversion" in the peer health assistance program and correcting erroneous references to wholesalers as "licensed" rather than "registered";
  - Section 6 grants the board authority, after conducting a risk-based assessment, to inspect out-of-state pharmacies, out-of-state wholesalers, and nonresident 503B outsourcing facilities and requires the board to send quarterly electronic newsletters to pharmacists regarding updates in the law that affect the practice;
  - Sections 7, 16, and 32 to 34 require pharmacists and pharmacies, as well as insurance companies that underwrite professional liability insurance for pharmacists and pharmacies, to report malpractice settlements and judgments to the board;
  - Section 8 specifies tasks that a pharmacist may delegate to ancillary pharmacy personnel under the pharmacist's supervision;
  - Section 10 increases the amount of medication that may be dispensed to an emergency room patient from a 24-hour supply to a 72-hour supply and allows a hospital to dispense a prescription drug to a hospitalized patient who leaves the hospital on a day pass;
  - Sections 3, 12, and 31 authorize pharmacists to prescribe opiate antagonists;
  - Sections 3 and 13 repeal the requirement that the label on an anabolic steroid prescription indicate the purpose for which the prescription was written;
  - Section 14 authorizes a pharmacist, under specified circumstances, to substitute a drug in the same therapeutic class as the prescribed drug;
  - Section 15 authorizes pharmacists to make specified types of minor adaptations to prescriptions;
  - Section 16 specifies that a licensee, certificiant, or registrant may be disciplined

- for habitual or excessive use or abuse of alcohol, habit-forming drugs, or controlled substances, but not for having a substance use disorder;
- Section 17 eliminates the requirement that the board send letters of admonition by certified mail;
- Section 19 requires the board to allow electronic storage of pharmacy records;
- Section 20 requires a pharmacist, with certain exceptions, to provide patient counseling in new medication therapy and authorizes a pharmacist, in the pharmacist's professional judgment, to provide patient counseling for any other prescription; and
- Section 30 increases from 3 to 6 the number of pharmacy technicians or other pharmacy staff that a pharmacist may designate to access, on behalf of a pharmacist supervising the pharmacy technician or other pharmacy staff, the prescription drug monitoring program.

**APPROVED** by Governor June 24, 2021                      **PORTIONS EFFECTIVE** June 24, 2021  
**PORTIONS EFFECTIVE** September 1, 2021

**S.B. 21-97** Health-care professions and occupations - medical transparency - disclosure of information about health-care providers - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies' sunset review and report concerning the "Michael Skolnik Medical Transparency Act of 2010" to continue the act for 7 years, until 2028.

**APPROVED** by Governor May 7, 2021                      **EFFECTIVE** September 1, 2021

**S.B. 21-98** Prescription drug monitoring program - continuation under sunset law - state board of pharmacy - require tracking of additional drugs - access by deputy coroners - create data retention schedule - reporting requirements. The act continues the prescription drug monitoring program (program) indefinitely.

Additionally, the act:

- Authorizes the state board of pharmacy (board) to promulgate rules that identify a list of prescription drugs that are not currently listed as controlled substances and require such drugs to be tracked through the program;
- Authorizes each coroner to authorize deputy coroners to access the program;
- Authorizes the board to create a data retention schedule for information obtained and stored by the program;
- Eliminates the requirements that the board seek gifts, grants, and donations in order to maintain the program and report annually to committees of reference of the general assembly on the gifts, grants, and donations; and
- Makes a technical change to remove a reference to the department of health care policy and financing from the statute as that department does not have access to the program.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** July 1, 2021

**S.B. 21-101** Direct-entry midwives - continuation under sunset law - administration of group B streptococcus prophylaxis - practice locations - policies for direct-entry midwives in training - additional authorities - removal of data reporting requirement - physical or mental examinations - required reporting on birth certificate worksheet - appropriation. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the registration of direct-entry midwives by:

- Continuing the registration requirements for 7 years, until September 1, 2028;
- Authorizing direct-entry midwives to administer group B streptococcus (GBS) prophylaxis;
- Adding licensed birth centers to the locations where a direct-entry midwife may practice; and
- Requiring the director of the division of professions and occupations (director) to develop policies regarding direct-entry midwives in training.

The act also:

- Specifies that a direct-entry midwife who is granted additional authority is not required to apply for renewal of that authority or pay any renewal fees for the authority;
- Removes the requirement that a direct-entry midwife report certain data at the time of registration renewal;
- Authorizes the director to order the physical or mental examination of a direct-entry midwife if the director has reasonable cause to believe that the direct-entry midwife is subject to a physical or mental disability that renders the direct-entry midwife unable to treat patients with reasonable skill and safety or that may endanger a patient's health or safety; and
- Requires the state registrar to revise the birth certificate worksheet form to include a requirement to report whether the live birth occurred after a transfer to a hospital by a direct-entry midwife.

The act appropriates to the department of public health and environment:

- \$50,080 from the health facilities general licensure cash fund for use by the health facilities and emergency medical services division for administration and operations; and
- \$30,000 from the vital statistics records cash fund for use by the health statistics and vital records subdivision for operating expenses.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 1, 2021



**S.B. 21-102** Dental hygienists - placement of interim therapeutic restoration and application of silver diamine fluoride - continuation under sunset law - communication between a dental hygienist and a dentist for prescribing - experience required to place interim therapeutic restoration - dentist supervision using telehealth - technology that may be used in telehealth supervision. The act continues the ability of dental hygienists to place interim therapeutic restorations (ITR) and apply silver diamine fluoride (SDF) until September 1, 2025, to align with the sunset review of the Colorado dental board (board).

The act also:

- Relocates the statutory language granting dental hygienists the authority to apply SDF;
- Specifies the requirements of an articulated plan between a dental hygienist and a collaborating dentist for purposes of dental hygienist prescribing;
- Repeals the requirement that a dental hygienist carry professional liability insurance to place ITR or apply SDF because the requirement exists in another provision of the "Dental Practice Act" that applies to all dental hygienists;
- Removes language specifying the timeline for communication with a distant dentist when using telehealth;
- Removes language specifying the number of hours of experience a dental hygienist is required to obtain before the board may grant the dental hygienist a permit to place ITR;
- Requires a dentist who collaborates with a dental hygienist in ITR placements using telehealth supervision to have an active license issued by the board and have a practice location that is either in Colorado or within reasonable proximity of the location where the ITR is placed;
- Requires the board to develop a waiver process to allow dentists to supervise more than 5 dental hygienists who place ITR; and
- Removes language regarding "store-and-forward transfer" technology to allow both synchronous and asynchronous technology when dental hygienists use telehealth in ITR placements and SDF applications.

**APPROVED** by Governor April 15, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-147** Athletic trainers - continuation of regulation under sunset law - supervision by physicians and physician assistants - disciplinary actions. The act continues the "Athletic Trainer Practice Act" (practice act) and the licensing of athletic trainers by the director of the division of professions and occupations in the department of regulatory agencies for 10 years, until 2031. The act also makes the following substantive changes to the practice act:

- Allows athletic trainers to practice only under the supervision of a licensed physician or physician assistant;
- Broadens the range of available disciplinary measures to include letters of admonition, confidential letters of concern, and probationary periods;
- Imposes a 2-year waiting period before an athletic trainer whose license has been revoked or who has surrendered a license in lieu of disciplinary

- proceedings may reapply for a license; and  
 Updates the grounds for discipline based on alcohol or drug use to conform to current standards and terminology.

**APPROVED** by Governor May 22, 2021

**EFFECTIVE** September 1, 2021

**H.B. 21-1012** State board of pharmacy - prescription drug monitoring program - consider tracking all prescription drugs - rules - appropriation. Current law requires the prescription drug monitoring program (program) to track all controlled substances prescribed in Colorado. The act requires the state board of pharmacy (board) to determine if the program should track all prescription drugs prescribed in this state. If the board determines that all drugs should be tracked, the act requires the board to promulgate rules to include all prescription drugs in the program. If the board determines that one or more drugs should not be tracked through the program, the act requires the board to publicly note the justification for the exclusions.

\$61,118 is appropriated from the prescription drug monitoring fund to the department of regulatory agencies for use by the division of professions and occupations to implement the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1146** Acupuncture - auricular acudetox - professional practice. In 2020, the general assembly repealed the requirement in the mental health practice act that a professional must be licensed, registered, or certified as a mental health professional in order to practice auricular acudetox. The act makes a conforming amendment to clarify that it is not an unlawful act for a professional who is trained to perform auricular acudetox to perform the practice without a license, registration, or certification as a mental health professional.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**H.B. 21-1147** Architects - continuing education - simplification of requirements. The practice act for professional architects directs the department of regulatory agencies to adopt rules establishing requirements for continuing education and also requiring an architect to demonstrate retention of the material presented in the continuing education program or course.

The act removes the material retention requirement, allowing an architect to renew a license upon demonstrating compliance with the continuing education requirement alone.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1195** Radon professionals - radon mitigation and measurement - requirements for licensure - penalties for unauthorized practice - exemptions - disciplinary actions - appropriation. The act creates a regulatory framework for individuals practicing as radon measurement professionals or radon mitigation professionals. On and after July 1, 2022, an individual is prohibited from practicing as a radon measurement professional or radon mitigation professional unless the individual is licensed by the director of the division of professions and occupations in the department of regulatory agencies. The act establishes the requirements to qualify for a license, exemptions to the licensure requirements, and the grounds upon which disciplinary action may be taken against a licensee.

The regulation of radon professionals is scheduled to repeal on September 1, 2027. Before the repeal, the regulatory provisions are scheduled for sunset review by the department of regulatory agencies.

The act appropriates \$63,134 from the division of professions and occupations cash fund to the department of regulatory agencies to implement the act. Of this total amount, \$40,308 is allocated to personal services, \$6,875 is allocated to operating expenses, and \$15,951 is allocated and reappropriated to the department of law for the provision of legal services.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1305** Addiction counselors - title use restrictions - supervision privileges - education and hours of practice - expansion of practice - state board of human services - rules. The act:

- Specifies title use restrictions for certified addiction specialists, certified addiction technicians, and addiction counselor candidates;
- Establishes clinical supervision privileges for licensed and certified addiction counselors to provide supervision of persons working toward certification or licensure; and
- Clarifies the education and hours of practice required to be certified or licensed as an addiction counselor and the scope of practice of licensed addiction counselors.
- Expands the practice of a certified addiction technician and requires the state board of human services to promulgate rules that include education requirements for certified addiction technicians, certified addiction specialists,

and licensed addiction counselors.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** July 1, 2021

**H.B. 21-1307** Pharmacists - prescription insulin - insurance price cap - emergency supply - affordability program. Current law establishes a \$100 cap on a person's 30-day supply of prescription insulin. The act clarifies that this cap is for the person's entire insulin supply, regardless of the number of prescriptions the person may have.

Beginning January 1, 2022, the act also:

- Requires pharmacists to provide eligible individuals with access to one emergency prescription insulin supply within a 12-month period at a cost not to exceed \$35 for a 30-day supply; and
- Creates the insulin affordability program through which pharmacists provide eligible individuals with prescription insulin for 12 months at a cost not to exceed \$50 for a 30-day supply.

A pharmacist that dispenses prescription insulin through the emergency supply or the insulin affordability program may seek reimbursement for the cost of the insulin from the insulin manufacturer.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## PROPERTY

**S.B. 21-173** Residential rental agreements - landlord and tenant rights - forceful entry and wrongful retainer - court procedures - mobile home park landlord duties and tenant rights - appropriation. The act addresses the following items related to landlord and tenant rights in residential rental agreements:

- After a complaint is filed by a landlord, the clerk of the court or the attorney for the plaintiff shall issue a summons, including information concerning filing an answer and legal aid. A court shall not enter a default writ of restitution before the close of business on the date upon which an appearance is due.
- Provides additional details regarding the defendant's answer, including that a defendant does not waive any defense related to proper notice by filing an answer; that the court shall set a date for trial no sooner than 7, but not more than 10, days after the answer is filed, unless the defendant agrees to waive this provision and schedule the trial for an earlier date, except that a court may extend beyond 10 days if either party demonstrates good cause for an extension or if the court otherwise finds justification for the extension. In the time after an answer is filed and before a trial occurs, the court shall order that the landlord or tenant provide any relevant documentation that either party requests.
- A landlord who provides a tenant with proper notice of nonpayment shall accept payment of the tenant's full amount due according to the notice, as well as any rent due under the rental agreement, at any time until a court has ordered a writ of restitution;
- Eliminates the bond requirement for the warranty of habitability and allows the tenant to assert an alleged breach of the warranty of habitability as an affirmative defense;
- Establishes allowable court procedures and remedies in cases of an alleged breach of warranty of habitability;
- Bans unreasonable liquidated damage clauses that assign a cost to a party stemming from a rental violation or an eviction action;
- Prohibits rental agreements that contain one-way fee-shifting clauses that award attorney fees and court costs only to one party; and

The act prohibits a landlord of a mobile home park or a residential premises (landlord) from:

- Charging a tenant or mobile home owner (tenant) a late fee for late payment of rent unless the rent payment is late by at least 7 calendar days;
- Charging a tenant a late fee in an amount that exceeds the greater of:
  - \$50; or
  - 5% of the amount of the rent obligation that remains past due;
- Requiring a tenant to pay a late fee unless the late fee is disclosed in the rental agreement;
- Removing, excluding, or initiating eviction procedures against a tenant solely as a result of the tenant's failure to pay one or more late fees;

- Terminating a tenancy or other estate at will or a lease in a mobile home park because the tenant fails to pay one or more late fees to the landlord;
- Imposing a late fee on a tenant for the late payment or nonpayment of any portion of the rent that a rent subsidy provider, rather than the tenant, is responsible for paying;
- Imposing a late fee more than once for each late payment;
- Requiring a tenant to pay interest on late fees;
- Recouping any amount of a late fee from a rent payment made by a tenant; or
- Charging a tenant a late fee unless the landlord provided the tenant written notice of the late fee within 180 days after the date upon which the rent payment was due.

A landlord who commits a violation must pay a \$50 penalty to an aggrieved tenant for each violation. Otherwise, a landlord who commits a violation has 7 days to cure the violation, which 7 days begins when the landlord receives notice of the violation. If a landlord fails to timely cure a violation, the tenant may bring a civil action to seek one or more of the following remedies:

- Compensatory damages for injury or loss suffered;
- A penalty of at least \$150 but not more than \$1,000 for each violation, payable to the tenant;
- Costs, including reasonable attorney fees if the tenant is the prevailing party; and
- Other equitable relief the court finds appropriate.

In an action for possession or collection based upon nonpayment of rent, the tenant may assert, as an affirmative defense the landlord's alleged breach of the warranty of habitability, provided that the landlord had previously received notice of the alleged breach of the warranty of habitability. If a county or district court is satisfied that the defendant is unable to deposit the amount of rent specified into the registry of the court because the defendant is found to be indigent, as described in the act, the defendant shall not be required to deposit any amounts to raise warranty of habitability claims as an affirmative defense and the claim will be perfected.

For the 2021-22 state fiscal year, the act appropriates \$15,756 to the judicial department. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.2 FTE. To implement this act, the department may use this appropriation for trial court programs.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** October 1, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1167** Construction - contractors and subcontractors - retainage limitation - applicability. The act prohibits a property owner from withholding from a contractor more

than 5% of the price of completed work to ensure the work is satisfactorily completed. The contractor and subcontractors are also prohibited from withholding more than 5% from subcontractors and suppliers. The act also clarifies that these prohibitions do not apply to other types of contractual conditions made before payment is due.

The contract may require lien waivers to be executed before payment is made.

The act applies to:

- A contract between a property owner and a contractor that has a price of at least \$150,000; and
- A subcontract or supply agreement to such a contract.

The act does not apply to a single contract that governs:

- The building of:
  - A single-family dwelling;
  - A multifamily dwelling with 4 or fewer family dwelling units; or
- A contract with a public entity.

**APPROVED** by Governor May 17, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1224** Real property - mortgages and trust deeds - foreclosure sales. Under current law, when real property is sold in a foreclosure sale for an amount above the value of the lien on the property, any excess amount (overbid), after paying all junior lienors, is paid to the owner of the property as of the recording of the election to foreclose. The act requires that any overbid is instead paid to the person liable under the related evidence of debt constituting a mortgage loan or deed of trust.

The act also adds to the definition of "qualified holder" a private company that originates, insures, guaranties, or purchases loans on behalf of a holder of evidence of debt that is secured by a deed of trust encumbering a time share estate with a minimum of \$5 million in assets or not less than 1,000 loans.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** May 28, 2021

**H.B. 21-1229** Common interest communities - transparency - record keeping - fees and financial information - penalty for nondisclosure - drought-tolerant landscapes - renewable energy improvements. The act increases requirements for disclosure and transparency in the operations of unit owners' associations (HOAs) in common interest communities, including requiring an HOA to maintain and keep available to unit owners, as part of its official records:

- A list of the HOA's current fees chargeable upon sale of a home in the community; and
- Other information currently required to be disclosed annually under existing law, including financial statements, reserve fund balances, insurance policies, and meeting minutes.

If access to the association records described above are not provided within 30 calendar days after a request was submitted by certified mail, the HOA is liable for a penalty of \$50 per day for not providing them.

Section 2 of the act adds specificity to the requirement that HOAs allow installation of renewable energy generation devices (e.g., solar panels) subject to reasonable aesthetic guidelines by requiring approval or denial of a completed application within 60 days and requiring approval if imposition of the aesthetic guidelines would result in more than a 10% reduction in efficiency or a 10% increase in price.

Section 1 specifically includes nonvegetative turf grass (also known as artificial turf) among the types of drought-tolerant landscaping materials that the HOA may regulate but not prohibit in the backyard area of a unit. Section 3 adds a similar provision to a companion statute.

The act does not apply to HOAs that include time-share units.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1310** Common interest communities - regulation of property usage by unit owners - prohibitions contrary to public policy - content-based limits on display of flags and signs - exceptions. Current law limits the application of architectural and landscaping regulations of common interest communities (also known as HOAs) so as to require that they allow displays of the American flag, service flags such as the "blue star" and "gold star" flags, and political signs, subject to specific statutory criteria. For example, the statute allows political signs to be prohibited outright except during an election season, defined as the period from 45 days before an election to 7 days after the election.

The act simplifies and broadens these protections, requiring an HOA to permit the display of any noncommercial flag or sign at any time, subject only to reasonable, content-neutral limitations such as the number, size, or placement of the flags or signs.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.



## PUBLIC UTILITIES

**S.B. 21-72** Electric utility infrastructure - transmission facilities - conditions for approval - requirement to join organized wholesale market - planning and coordination of transmission corridors - eminent domain - broadband facilities on electric easements - creation of Colorado electric transmission authority - bonds - labor standards. Section 1 of the act authorizes the public utilities commission (PUC) to approve utilities' applications to build new transmission facilities if the PUC, consistent with its authority, finds that the new facilities would assist the utilities in meeting the state's clean energy goals established in 2019. In constructing or expanding transmission facilities, a utility must use its own employees, engage a contractor whose employees have access to federally approved apprenticeship programs, or both. Section 1 also requires the PUC to consider the ability of the proposed facilities to support future expansion as needed to enable the utility to participate in an organized wholesale market (OWM), which is defined in section 2 as an organization established for the purpose of coordinating and managing the transmission of electricity among multiple public utilities on a multistate or regional basis. An application for construction or expansion of transmission facilities is deemed approved if the PUC does not deny it within 240 days after the application is complete and public notice has been given.

Section 6 imposes a 180-day deadline for approval by a local government if local government approval is required.

Sections 4 and 7 create the Colorado electric transmission authority (CETA) as an independent special purpose authority, and section 4 specifies the composition and manner of appointment of the board of directors that governs the authority. CETA is authorized to select a qualified transmission operator to finance, plan, acquire, maintain, and operate eligible electric transmission and interconnected storage facilities (eligible facilities).

Under sections 4, 8, and 9, CETA is granted various powers necessary to accomplish its purposes, including the power to:

- Issue revenue bonds;
- Identify and establish intrastate electric transmission corridors;
- Coordinate with other entities to establish interstate electric transmission corridors;
- Exercise the power of eminent domain to acquire eligible facilities; and
- Collect payments of reasonable rates, fees, interest, or other charges from persons using eligible facilities.

CETA is generally subject to state open-records and open-meetings requirements, but proprietary confidential information that it holds, including power purchase agreements, costs of production, costs of transmission, transmission service agreements, credit reviews, detailed power models, and financing statements, is not subject to inspection. Section 10 authorizes payment of CETA's administrative expenses, not to exceed \$500,000 annually, from an existing cash fund administered by the PUC.

Section 2 sets out deadlines and conditions under which an electric utility that owns and controls transmission facilities (transmission utility) is required to join an OWM. The commission may delay or waive this requirement for a utility that is unable, despite its best efforts, to find a viable and available OWM to join or if the commission determines, based on its evaluation of specified factors, that requiring the transmission utility to join an OWM would not be in the public interest. A transmission utility that joins an OWM may recover costs of participating in the OWM from its ratepayers.

Under current law, a cooperative electric association with an electric easement on real property is authorized to install or to allow a commercial broadband supplier to install broadband facilities on the real property, subject to notice and procedural requirements. Section 3 expands the authorization to apply to any non-investor-owned, non-municipally-owned, vertically integrated supplier of electric energy to its customers or members.

Section 9 specifies that when a right-of-way is taken for an interstate electric transmission line, the court shall evaluate public purpose in light of the transmission system as a whole, including public use and benefits occurring either within Colorado or at a regional level.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**S.B. 21-103** Office of consumer counsel - continuation under sunset law - name change - expansion of scope - intervening - reporting requirements. The act implements some of the recommendations of the department of regulatory agencies' (department) sunset review and report regarding the office of consumer counsel (office) and the utility consumers' board (board) by:

- Continuing the office and the board for 7 years, to 2028;
- Changing the name of the office to the office of the utility consumer advocate and the name of the head of the office from the consumer counsel to the director;
- Changing the board from a **type 1** transfer to a **type 2** transfer; and
- Repealing requirements that the board annually review the office's performance and confer with the executive director of the department regarding hiring and performance evaluation matters.

The act also:

- Authorizes the director to consider statutory decarbonization goals, just transition, and environmental justice when determining whether it is in the public interest to appear in a proceeding before the public utilities commission (commission);
- Removes the cap on the number of employees that the director may employ;
- Authorizes the office to intervene in matters before the commission that relate to the provision or quality of telecommunications service;

- Prohibits the office from recommending that the commission take action that would interfere with collective bargaining regarding a regulated industry's employee wages, health insurance, or retirement benefits;
- Authorizes the director to inspect records and documents of a public utility and conduct depositions under oath of an officer, agent, or employee of a public utility;
- Requires the director or the director's designee to provide policy analysis to the executive director of the department regarding legislative matters pending before the general assembly that directly relate to the office's mission;
- Authorizes the office to make presentations and provide other forms of education to the general assembly about certain public utility matters; and
- Requires the department to include in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" presentation to the general assembly information regarding the office's work, including a summary of the matters in which the office intervened in the preceding year.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 1, 2021

**S.B. 21-108** Public utilities commission - regulation of gas utilities - gas pipeline safety - rules - enforcement - mapping - leak detection - penalties - appropriation. The act declares that, due to recent dramatic increases in both the extraction and transportation of natural gas and the construction of new homes and businesses in close proximity to these activities, as well as the environmental risks posed by methane leakage, it is appropriate to strengthen and streamline Colorado's laws governing gas pipeline safety.

In furtherance of strengthening and streamlining those laws, the act updates and clarifies the duty of the public utilities commission (PUC) to collaborate with the United States department of transportation (DOT) on pipeline safety issues by:

- Formally accepting responsibility to enforce DOT pipeline safety rules; and
- Adopting rules at the state level as needed to comply with federal requirements. The PUC's rules may be more stringent than required by federal standards in specified areas. In particular, the PUC is directed to assemble maps of all pipelines within its jurisdiction, increase the frequency of inspections, and employ advanced leak detection technology.

Additionally, the act amends existing penalty provisions for pipeline safety violations by:

- Increasing the penalty cap from \$100,000 per violation to \$200,000, and increasing the maximum aggregate total for a series of violations from \$1 million to \$2 million;
- Allowing the PUC to recover court costs if it must sue to recover any penalty assessed against a violator; and

- Requiring any compromise of a penalty to be based on objective metrics and factors, including the severity of the violation, the extent to which the violator has remedied the conditions that led to the violation, and the amount the violator agrees to spend on approved measures to reduce future risk. Any such compromise may not reduce the amount payable as a penalty below \$5,000 per violation.

The act appropriates \$423,448 from the general fund to the department of regulatory agencies for use by the public utilities commission to implement the act, with \$53,170 reappropriated to the department of law for legal services provided to the commission.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** July 6, 2021

**S.B. 21-115** Talking book library services - annual funding - appropriation. Under current law, the general assembly is authorized to annually appropriate money from the Colorado telephone users with disabilities fund (fund) to support talking book library services for persons who are blind or physically disabled.

The act requires an annual appropriation from the fund for the talking book library services and appropriates \$250,000 for that purpose.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-156** Telecommunications - 911 services - nurse intake of 911 calls pilot grant program - appropriation - repeal. The act requires the division of homeland security and emergency management in the department of public safety (division), on or before January 1, 2022, to implement a pilot grant program (program) to help finance the use of nurse intake of 911 calls, which involves nurses assisting with 911 dispatch for the purpose of diverting nonurgent 911 calls to medical care that does not require ambulance service or treatment in an emergency room, or the use of a substantially comparable 911 triage system. The division, after reviewing applications, shall designate 4 public safety answering points to participate in the program, one of which is located in a county with 60,000 or more residents and 3 of which are located in a county or counties with fewer than 60,000 residents. To participate in the program, the designated public safety answering points must enter into a contract with an entity that can provide nurses who are trained and equipped to provide nurse intake of 911 calls or operate its own program for nurse intake of 911 calls or a substantially comparable 911 triage system.

On or before September 1, 2023, the division shall report to the judiciary committees in the senate and the house of representatives or their successor committees on the program, including reporting on patient satisfaction and clinical outcomes and on annual cost savings tied to the program.

For the 2021-22 state fiscal year, \$865,583 is appropriated from the general fund to the department of public safety for use by the division, based on the assumption that an additional 0.5 FTE will be required. The division may use the appropriation for program administration related to the office of preparedness. The money is further appropriated to the department for the 2022-23 state fiscal year for the same purpose if not fully expended before July 1, 2022.

The program is repealed, effective July 1, 2024.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**S.B. 21-230** Colorado energy office - funding of energy efficiency and energy conservation programs - transfer from general fund - purposes and conditions - deadline for expenditures - report. The act directs the state treasurer to make an immediate, one-time transfer of \$40 million from the general fund to the energy fund administered by the Colorado energy office (CEO). The CEO may use the money for its ongoing programs plus the following enumerated purposes:

- Making grants to the Colorado Clean Energy Fund and the Colorado new energy improvement district totaling up to \$30 million and \$3 million, respectively;
- Increasing the amounts available through residential energy upgrade loans by up to \$2 million; and
- Providing up to \$5 million in additional funding to the charge ahead Colorado program administered by the CEO.

The act requires the CEO to devote at least 75% of the transferred money to the specified purposes by July 1, 2022, and at least 85% by July 1, 2023, and to periodically report on its expenditures to the office of state planning and budgeting and the general assembly. Although money in the energy fund is continuously appropriated to the CEO, the money transferred by the act is scheduled to revert to the general fund on June 30, 2025, if not used, expended, or obligated by then.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

**S.B. 21-235** Renewable energy - energy efficiency in agricultural applications - agrivoltaics - funding for soil health programs - reports - appropriations. The act directs the state treasurer to make an immediate, one-time transfer of \$3 million from the general fund to the agriculture value-added cash fund to augment the department of agriculture's ongoing advancing Colorado's renewable energy and energy efficiency (ACRE<sup>3</sup>) program. At least \$150,000 of this money must be allocated to research, guidance, technical assistance, feasibility studies, and projects related to agrivoltaics. "Agrivoltaics" is defined as solar energy generation facilities located on land that is also used for agricultural production.

The act appropriates the \$3 million from the agriculture value-added cash fund to the

department of agriculture for use by the commissioner's office to make grants to implement the ACRE<sup>3</sup> program.

The act also appropriates \$2 million from the general fund to the department of agriculture for use by the conservation services division for the purpose of administering voluntary soil health programs. Of this amount, the department is directed to expend at least \$1 million in grants to conservation districts, and all of the money appropriated to the conservation services division must be expended by December 31, 2022.

The act requires the department of agriculture to periodically report on its expenditures to the office of state planning and budgeting and the general assembly.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**S.B. 21-246** Electric utilities - energy efficiency and energy conservation - beneficial electrification - evaluation of plans proposed by utilities - labor standards - appropriations. The act directs the public utilities commission (PUC) to establish energy savings targets and approve plans under which investor-owned electric utilities will promote the use of energy-efficient electric equipment in place of less efficient fossil-fuel-based systems. This directive would substantially follow the model of existing demand-side management (DSM) policies established by the PUC.

Section 1 of the act declares that DSM has provided substantial economic and environmental benefits, and the PUC's administration of DSM has successfully carried out legislative intent; therefore, the PUC is directed to implement beneficial electrification programs and plans using the same approach.

Sections 3 and 5 specify the parameters for these programs and plans, including the types of systems and appliances that are eligible for installation, the criteria to be considered when the PUC evaluates plan proposals, the implementation of plans, utility cost-recovery mechanisms, and performance incentives. Section 5 also requires that any installation, upgrade, or new construction under a beneficial electrification program must be performed either by utility employees or by qualified, Colorado-licensed contractors. For large projects, contractors must be selected from a list, maintained by the Colorado department of labor and employment, of contractors that participate in apprenticeship programs registered with the United States department of labor.

Section 2 adds heat pumps to the list of energy efficiency measures that cannot be prohibited under the covenants of a homeowners' association.

Section 4 directs the PUC to apply current standards for measurement of the social cost of carbon emissions, including methane, in evaluating the cost, benefit, or net present value of utility plans and proposals for beneficial electrification.

The act appropriates \$168,448 to the department of regulatory agencies, for use by the PUC, and \$73,351 to the department of labor and employment, for use by the division of

employment and training, to implement the act.

**APPROVED** by Governor June 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-264** Gas distribution utilities - clean heat plans - clean heat targets - greenhouse gas emission reductions - recovered methane protocols - rule-making proceedings - greenhouse gas sequestration study - appropriations. Section 1 of the act defines a "gas distribution utility" (GDU) as a gas public utility with more than 90,000 retail customers. The bill requires each GDU to file a clean heat plan (plan) with the public utilities commission (PUC). A plan must demonstrate how the GDU will use clean heat resources to meet clean heat targets (targets) established by the act. The targets are a 4% reduction below 2015 greenhouse gas (GHG) emission levels by 2025 and 22% below 2015 GHG emission levels by 2030.

The PUC will initiate a rule-making proceeding by October 1, 2021, to update demand-side management rules. The PUC will establish a cost cap for each GDU's compliance with its plan. The cost cap is 2.5% of annual gas bills for all of a GDU's full-service customers. The PUC is directed to approve a plan if the PUC finds that doing so is in the public interest.

A municipal GDU must file a plan with the air quality control commission (AQCC) that demonstrates a 4% GHG emission reduction by 2025 and a 22% GHG emission reduction by 2030, both as compared with 2015 levels. Small GDUs may file a plan, which is subject to the cost cap and must contain its own targets.

Section 2 requires the AQCC to initiate a rule-making proceeding by September 1, 2022, to establish protocols for recovered methane that utilities must use in forecasting their emission reductions.

Section 3 directs the oil and gas conservation commission (commission) to conduct a study to evaluate the resources that would be needed to ensure the safe and effective regulation of injection wells used for sequestration of GHG.

Section 4 makes the following appropriations:

- \$92,482 and 1.0 FTE is appropriated from the public utilities commission fixed utility fund to the department of regulatory agencies for use by the PUC;
- \$199,111 and 1.6 FTE is appropriated from the general fund to the department of public health and environment;
- From reappropriated funds received from the department of public health and environment, \$37,000 is appropriated to the office of the governor for use by the office of information technology and \$21,268 and 0.1 FTE is appropriated to the department of law; and

- \$49,362 and 0.5 FTE is appropriated from the oil and gas conservation and environmental response fund to the department of natural resources for use by the commission.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**S.B. 21-272** Public utilities commission - resources and operations - use of independent consultants - disclosure of interests of parties to proceedings - assessments for utility funds - additional standards for consideration of regulatory impacts - permissible uses of revenue from energy impact bonds - rules - appropriations. Section 1 of the act authorizes the allocation of up to \$250,000 per year of the money that the public utilities commission (commission) receives from the public utilities commission fixed utility fund for contracts with outside consultants and experts.

Section 2 requires an intervenor in a proceeding before the commission to disclose, and the commission to publish on its website, any corporate affiliation, receipt of funding, or other financial relationship that exists or, within the prior 2 years, existed between that intervenor and the regulated utility in the matter.

Section 3 directs the commission to adopt rules to require the commission, when considering any matter before the commission, to improve equity for, minimize impacts on, and prioritize benefits to disproportionately impacted communities.

Under current law, the annual fee collected from each regulated public utility to support the fixed utility fund and the telecommunications utility fund is capped at 0.25% of the public utility's gross intrastate utility operating revenue for the preceding calendar year; except that the annual fee collected from a public utility that is a telephone corporation is capped at 0.20% of the telephone corporation's gross intrastate utility operating revenue for the preceding calendar year. Section 4 raises these caps to 0.45% and 0.40%, respectively.

Section 5 requires the commission, when considering electric utilities' plans for acquisition of generation facilities, to consider the economic opportunities that such acquisitions would provide for workforce transition and community assistance plans and the benefits for low-income customers and disproportionately impacted communities.

Section 6 requires the commission to promulgate rules requiring qualifying retail utilities subject to the renewable energy standard to retire renewable energy credits in a manner that benefits cities, counties, and businesses in the state, enables customers to account for the environmental benefits of the renewable energy, and is consistent with timely attainment of the state's clean energy and climate goals. Section 6 also directs that utilities plan their expenditures on renewable energy and retail distributed generation so as to address historical shortfalls in benefits to low-income customers and disproportionately impacted communities before reaching the 2% statutory cap on such expenditures, with at least 40% of new expenditures allocated to this purpose between January 1, 2022, and December 31, 2028.



With respect to the retirement of any electric generating facility, section 7 requires an investor-owned electric utility to submit, and the commission to consider, 2 alternative net present value of revenue requirement projections, one based on using Colorado energy impact bonds and one based on not using Colorado energy impact bonds.

Section 8 requires the commission, in approving a resource plan, to include the social cost of carbon dioxide with regard to a portfolio's net present value of revenue requirements.

Section 9 expands the time for the commission to issue a decision on an application that is not accompanied by prefiled testimony and exhibits from 210 days to 250 days after the commission has deemed the application complete.

Section 10 broadens the purposes for which a utility may seek permission to issue Colorado energy impact bonds to include not only the retirement of electric generating facilities but also other programs or projects approved by the commission, including programs or projects to mitigate the effects of extreme weather, wildfires, climate change, or other hazards, but not to include the utility's own liability for wildfire or other damages.

Sections 11 and 12 make adjustments to appropriations in related acts, and section 13 makes an appropriation for the purposes of the act to draw from the public utilities commission fixed utility fund rather than from the general fund. The total amount appropriated from the fixed utility fund is \$971,839, and the total reduction in general fund expenditures is \$471,849.

**APPROVED** by Governor June 10, 2021

**EFFECTIVE** June 10, 2021

**H.B. 21-1052** Renewable energy standard - eligible energy resources - recycled energy - pumped hydroelectricity. The act removes the existing restriction on pumped hydroelectric facilities as a source of recycled energy, which is included in the definition of an eligible energy resource under the renewable energy standard statute, and instead includes any pumped hydroelectric facility under 15 megawatts that:

- Does not combust fossil fuel to pump water;
- Is not located on a natural waterway;
- Includes measures to prevent fish mortality in the facility;
- Does not impact any decreed in-stream flow; and
- Does not cause any violation of state water quality standards when operated.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1105** Electric and gas utilities - low-income energy assistance - fuel assistance payments - monthly surcharge - opt out or exemption from charge payments. Section 1 of

the act authorizes the department of human services (department) to make fuel assistance payments to supplemental nutrition assistance program recipients to maximize their federal heating and cooling standard utility allowance. Money for the fuel assistance payments comes from a portion of the money collected from the energy assistance system benefit charge (charge), which is a monthly charge that investor-owned electric and gas utilities are required to collect from their customers. Money for the fuel assistance payments is credited to the supplemental utility assistance fund, which fund is continuously appropriated to the department.

Section 2 removes the low-income energy assistance program administered by Energy Outreach Colorado (EOC) from the grant program reserve funded by tier 2 severance tax operational fund money.

Section 3 clarifies that the definition of a "low-income utility customer", with regard to the public utilities commission's (PUC) consideration of a preference or advantage that a gas or electric utility grants a low-income utility customer, means a utility customer who meets the department's income eligibility criteria.

Sections 4 and 5 make modifications to the legislative commission on low-income energy assistance, wherein section 4 expands the commission's scope to include water utility assistance and section 5 reduces the composition of the commission from 11 members to 7 members. Section 5 moves the commission from the department to the Colorado energy office (office) on May 1, 2022. Section 5 also requires the commission to:

- Advise the office on grants awarded from the federal department of energy regarding the office's weatherization assistance program;
- Advise water utilities that provide their customers with utility assistance and efficiency programs; and
- Review EOC's annual budget that it submits to the PUC regarding the use of funding for utility bill payment assistance.

Section 6 updates the legislative declaration regarding low-income energy assistance with regard to the benefit of allowing all water utilities to participate voluntarily in a program to provide financial assistance to customers in low-income households.

Sections 7, 8, and 10 to 12 concern the creation of the charge. From October 2021 through September 2022, the initial amount of the charge per customer is 50 cents for electric service provided and 50 cents for natural gas service provided, and, after September 2022, each is raised to 75 cents. Commencing October 1, 2023, the charge is adjusted for inflation. Investor-owned utilities are required to remit the charges collected to EOC to help finance low-income energy assistance programs. Additionally, each investor-owned utility is required to notify customers of:

- The possibility of exemption from paying the charge for a period of 12 months based on having received direct utility bill payment assistance from EOC in the previous 12 months; and
- Contact information for opting out of paying the monthly charge.

EOC is required to allocate a portion of the money collected from the charge to the department for its fuel assistance payments and use another portion for EOC's community outreach about the charge, with the remainder of the money collected split between EOC and the office for helping to finance their energy assistance programs.

Sections 9 and 13 concern voluntary, opt-in charges that a water utility may offer its customers to help finance the water utility bill payment assistance program that EOC administers. Alternatively, a water utility may implement its own water utility bill payment assistance program.

Section 14 requires EOC and the office, when installing energy retrofits for low-income households, to prioritize customer savings, emission reductions, and improving indoor air quality.

Section 15 governs reporting requirements for EOC and the office regarding use of the money collected from the charge and, for EOC, additional reporting requirements on voluntary, opt-in monthly water utility bill payment assistance collections.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1131 Cooperative electric associations - transparency - board of directors elections - board members.** The act:

- Makes current laws concerning governance and transparency for cooperative electric associations (associations) applicable to nonprofit generation and transmission cooperative electric associations that provide wholesale electric service directly to Colorado cooperative electric associations that are its members;
- Eliminates an exemption to those requirements for associations with fewer than 25,000 members;
- Allows an association to authorize, in its bylaws, its members and directors to participate in meetings electronically;
- Allows an association to authorize, in its bylaws, members to vote in an election through a secure and verifiable electronic voting system;
- Clarifies that members voting or participating in a meeting electronically are considered present in person for the purpose of establishing quorum;
- Defines joint memberships and clarifies how joint memberships can vote;
- Amends the deadlines and requirements for notice of an election;
- Requires an association to adopt written policies concerning the compensation of board members and disclosures of conflicts of interest for board members;
- Requires board members to fulfill their duty of loyalty to the cooperative association at all times; except that, if a director serves on the board of both a generation and transmission association and a distribution association, the

- director owes fiduciary duties to both associations and shall not be required to give priority to the duties the director owes to one association over the duties the director owes to the other association; and
- Requires associations to post on their websites information about their rates and net metering requirements and to make financial audits available to members on request.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1238** Gas utilities - demand-side management programs - calculation of cost-effectiveness - avoided costs - social costs of greenhouse gas emissions - utility customer incentives for energy efficiency improvements - labor standards for installations.

The act updates the methods used to determine the cost-effectiveness of demand-side management (DSM) programs of public utilities selling natural gas at retail, including requiring that the calculation of future benefits reflects the avoided costs to ratepayers resulting from reduced consumption of natural gas. The act specifies that the calculation must be based on reliable estimates and published scientific data, including an increase in the social cost of carbon dioxide from \$46 to \$68 per short ton, and must include methane emissions using a social cost of methane of not less than \$1,756 per short ton. In addition, the act adds savings targets and budget control mechanisms to the approval process for gas DSM programs, paralleling the existing process that applies to electric DSM programs.

Section 5 of the act specifies labor standards that apply to all necessary plumbing, mechanical, and electrical work performed in connection with DSM projects for which a utility customer is eligible for a rebate from the utility. Under these standards, the utility may assign its own employees to do the work, but if a contractor is to be hired for a project in a commercial or industrial building or multifamily residential structure, the contractor must be chosen from a list of qualified contractors maintained by the Colorado department of labor and employment. To be eligible for inclusion on the list, a contractor must participate in specified apprenticeship programs. In addition, for smaller residential projects, the utility must condition customer rebates on the customer's use of licensed plumbing and electrical contractors.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1269** Electric utilities - supply of electricity for sale at retail - sources - community choice - study by public utilities commission - report to general assembly - appropriation.

The act concerns the concept of "community choice energy" (CCE) (also known as community choice aggregation or CCA), under which a community, or group of

communities, may choose to purchase their electricity from a wholesale supplier other than the local investor-owned electric utility. The act declares that CCE has the potential to enable communities to meet their renewable energy goals and to reduce their electricity rates by allowing wholesale competition and local control over the energy supplier and energy mix without changing the local utility's current status as sole supplier of electric transmission, distribution, billing, and customer service functions.

To lay the groundwork for evaluating the potential adoption of CCE in Colorado, the act proposes an investigatory proceeding at the public utilities commission that would invite testimony and documentation from interested stakeholders, utilities, the public, invited subject-matter experts, and persons with firsthand knowledge of CCE operations, including regulators from states in which CCE has been implemented. The proceeding would address a series of questions and topics that are specified in the act, with the goal of better understanding CCE in the Colorado context and identifying best practices that would allow CCE to function well in Colorado if adopted. The act does not change current statutes and regulations governing the electricity system.

The act directs the commission to submit a report summarizing the investigatory proceeding to the legislative committees with jurisdiction over energy matters by December 15, 2022.

The act appropriates \$48,391 to the department of regulatory agencies for use by the public utilities commission to implement the act.

**APPROVED** by Governor June 25, 2021

**EFFECTIVE** June 25, 2021

**H.B. 21-1283 Towing carriers - towing task force - sunset review - appropriation.** The act requires the department of regulatory agencies (department) to conduct a sunset review of the public utilities commission's (commission) regulation of towing carriers in 2025 and changes the department's sunset review of the towing task force (task force) from 2024 to 2025. As part of its sunset review of the commission's regulation of towing carriers, the department must review complaints against towing carriers and whether the towing industry and consumers would benefit from dispute resolution of complaints.

The act adds 5 members to the task force to represent:

- Mobile home owners in the state;
- The attorney general with experience enforcing the "Colorado Consumer Protection Act";
- People with disabilities;
- Common interest communities; and
- Communities that might be disproportionately affected by nonconsensual towing, such as communities of color, immigrant communities, elderly communities, and rural communities.

The following changes are made to membership:

- The member who represents an association of automobile owners is removed;
- The member who represents a towing association is required to be experienced with consensual tows; and
- The member who represents towing carriers but not a towing association is changed to a member who represents nonconsensual towing carriers.

For the 2021-22 state fiscal year, \$20,029 is appropriated to the public utilities commission to implement the act.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** July 7, 2021

**H.B. 21-1324** Renewable energy - development of innovative energy technologies - pilot and demonstration projects - approval by public utilities commission - standards and conditions. The act replaces the integrated gasification combined cycle (IGCC) program, which was repealed in 2019, with a mechanism by which an investor-owned utility seeking to implement an innovative energy technology project may apply to the public utilities commission (PUC) to acquire resources that demonstrate the use of innovative, zero-emission technologies for energy generation and storage. To qualify for cost recovery, the utility's expenditures must be determined by the PUC to have been prudently incurred and the utility's return on investment may not exceed the return on a comparably sized photovoltaic or wind-electric generation facility.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## REVENUE - ACTIVITIES REGULATION

**S.B. 21-82** Alcohol beverages - festivals - appropriation. The act authorizes the following alcohol beverage licensees to obtain a festival permit, which would allow the licensees to hold festivals where they may conduct joint tastings and engage in any retail operations authorized by their licenses or permits:

- A beer and wine licensee;
- A hotel and restaurant licensee;
- A tavern licensee;
- A brew pub licensee;
- A vintner's restaurant licensee;
- A distillery pub licensee;
- A winery or limited winery licensee;
- A spirits manufacturer; and
- A beer manufacturer.

Local licensing authorities may create a permitting process for these festivals. Licensees may obtain a permit to hold up to 9 festivals in 12 months, with each festival lasting no longer than 72 hours. Other licensees may participate in the festival.

The act appropriates \$511,210 to the department of revenue from the liquor enforcement division and state licensing authority cash fund to implement the act.

**APPROVED** by Governor May 28, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-111** Office of economic development and international trade - program to support entrepreneurs in the marijuana industry - social equity licensees. The act creates a program in the office of economic development and international trade (OEDIT) to support entrepreneurs in the marijuana industry, which will primarily assist social equity licensees, as that term is used in the "Colorado Marijuana Code". The program consists of:

- Loans to social equity licensees for seed capital and ongoing business expenses;
- Grants to social equity licensees to support innovation and job creation and organizations that support marijuana businesses to be used to support innovation and job creation of social equity licensees; and
- Technical assistance for marijuana business owners, prioritizing social equity licensees who have been awarded a loan or grant through the program.

OEDIT is authorized to directly administer the program itself or through one or more partner entities. In consultation with other relevant state agencies, industry experts, and other stakeholders, OEDIT is required to establish policies setting forth the parameters and

eligibility for the program. OEDIT is required to consult with the Colorado economic development commission regarding the administration of the program. OEDIT is also required to submit a report by July 1 of 2022 and 2023 to the governor and legislative committees detailing program expenditures.

The program is initially funded with a \$4 million transfer from the marijuana tax cash fund to the newly created marijuana entrepreneur fund, from which the money is continuously appropriated to OEDIT for the program. OEDIT may use some of this money for the program's administrative expenses. Beginning with the fiscal year 2022-23, the general assembly may appropriate additional money from the marijuana tax cash fund to the marijuana entrepreneur fund.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-133** Alcohol beverages - club licensees - commingling alcohol beverages purchased for a special event with alcohol beverages in inventory. The act authorizes a person with a club license (licensee) that allows the sale of alcohol beverages by the drink to members of the club and their guests for consumption on the premises of the club to commingle any alcohol beverages purchased by the licensee for the purpose of a special event with alcohol beverages in the licensee's inventory.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-270** Alcohol beverages - production limit increase - distillery pubs and vintner's restaurants. The act increases the alcohol beverage production limits for distillery pubs and vintner's restaurants, per calendar year:

- From 45,000 liters to 875,000 liters of spirituous liquor for distillery pubs; and
- From 250,000 gallons to 925,000 gallons of wine for vintner's restaurants.

**APPROVED** by Governor July 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1027** Alcohol beverages - authorization for takeout and delivery - appropriation. Colorado law authorizes certain license holders, who normally offer alcohol beverages for consumption on the licensed premises, to offer takeout and delivery of alcohol beverages, but this authorization was scheduled to repeal on July 1, 2021. The act delays the repeal until July 1, 2025; except that manufacturers who have a sales room may continue to deliver alcohol beverages only until January 2, 2022.



The act limits the times that an alcohol beverage may be sold for takeout or delivery from 7 a.m. to midnight. The amounts of alcohol beverages that may be sold for delivery or takeout are increased:

- From 750 milliliters to 1,500 milliliters of vinous liquors;
- From 72 fluid ounces to 144 fluid ounces of malt liquors, fermented malt beverages, and hard cider; and
- From 750 milliliters to one liter of spirituous liquors.

The act also creates a communal outdoor dining area program. The program allows multiple licensees to attach to the area and serve alcohol beverages to the diners in the area. A licensee may attach to the area only if the licensee's premises are within 1,000 feet of the area. The area and attachment must be approved by both the local and state licensing authorities, who may charge a fee for the approval. The following licensees may attach to an area:

- Tavern;
- Hotel and restaurant;
- Brew pub;
- Distillery pub;
- Vintner's restaurant;
- Beer and wine licensee;
- Manufacturer that operates a sales room;
- Beer wholesaler that operates a sales room;
- Limited winery;
- Lodging and entertainment facility;
- Optional premises; or
- Fermented malt beverage retailer licensed for consumption on the premises.

For the 2021-22 state fiscal year, \$63,274 is appropriated for use by the liquor and tobacco enforcement division to implement the act.

**APPROVED** by Governor June 22, 2021

**EFFECTIVE** June 22, 2021

**H.B. 21-1044 Wineries - licensed premises - noncontiguous locations - applications - rules - appropriation.** The act allows a winery that holds a manufacturer's or limited winery license to maintain licensed premises comprising up to 2 noncontiguous locations within a 10-mile radius. The department of revenue must approve an application for the use of a proposed noncontiguous location if the alcohol and tobacco tax and trade bureau of the United States department of the treasury has approved the description and diagram of the premises at that location, subject to proof of compliance with local codes and zoning requirements. Application and renewal fees are to be established by rule, subject to a limit of \$500 per location.

Any additional noncontiguous locations that fall outside the approved boundaries of an entertainment district or a common consumption area are excluded from that district or

area, and any noncontiguous location that is to be used as a sales room is subject to individual approval for use as a sales room. Only one sales room may be located at a noncontiguous location.

To implement the act, \$13,247 is appropriated from the liquor enforcement division and state licensing authority cash fund to the department of revenue for use by the liquor and tobacco enforcement division.

**APPROVED** by Governor May 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1132** Limited gaming - local government limited gaming impact fund - clarification of authorized distributions. The act clarifies the authorized distributions from the local government limited gaming impact fund by:

- Specifying that "documented gaming impacts" should be for negative impacts and defining that phrase;
- Requiring grant awards to be prioritized for:
  - Eligible local governmental entities that have lower property values compared to all eligible local governmental entities; or prioritized for eligible local governmental entities located in counties with lower property values compared to the property values of all counties that are eligible local governmental entities. If an eligible local governmental entity has a jurisdictional boundary that includes more than one county, then the prioritization for that eligible local governmental entity is established based on the county in which the eligible local governmental entity's administrative offices are located; and
  - Based on a methodological approach that incorporates a weighted decision matrix which includes community and impact scoring;
- Defining "property values" as the sum of the actual value of all property, including the actual value of all tax-exempt property, as of December 31 of the prior year;
- Requiring documented negative gaming impacts to be explicitly identifiable;
- Defining "negative impacts"; and
- Allowing grants from the gambling addiction account to be used to provide gambling addiction treatment training to staff at nonprofit community mental health centers or clinics; this is in addition to the current authorized use for gambling addiction counseling services to Colorado residents.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** May 24, 2021

**H.B. 21-1178** Marijuana code - technical fixes. The act corrects citations in the marijuana

code and grammatical and wording issues.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1216** Marijuana - change designation - retail to medical - study change from medical to retail. The act allows a medical marijuana cultivation facility licensee to receive and change marijuana's designation from retail to medical and a medical marijuana products manufacturer licensee to receive and change a marijuana product from retail to medical.

The act clarifies that a transfer and change of designation of the marijuana from retail to medical does not create a right to a refund of a retail marijuana excise tax imposed or paid prior to the transfer and change of designation.

The act requires the state licensing authority to submit a report to the general assembly analyzing the feasibility of allowing a retail marijuana cultivation facility licensee to receive and change marijuana's designation from medical to retail and a retail marijuana products manufacturer licensee to receive and change a marijuana product from medical to retail.

**APPROVED** by Governor June 23, 2021

**PORTIONS EFFECTIVE** June 23, 2021

**PORTIONS EFFECTIVE** July 1, 2022

**H.B. 21-1292** Sports betting - reporting of revenues - aggregation of data - confidentiality requirements. The division of gaming within the department of revenue currently publishes on its website monthly and annual public reports of revenues, expenses, and other information from limited gaming activity in Central City, Black Hawk, and Cripple Creek. The act requires similar reporting for revenue associated with sports betting. To protect the privacy of owners of sports betting venues, when the number of licensees in any of the cities is less than 3, the act requires aggregation of data from that city with data from another city.

If the use of aggregated data results in a property valuation that the casino owner or other taxpayer believes is inaccurate, the act permits the taxpayer to submit additional information to the county assessor, subject to strict confidentiality requirements that continue throughout the property valuation process and any subsequent appeals or court proceedings.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** January 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1296** Limited gaming - conduct of games - processing of license applications - adjustments in response to pandemic - codification of emergency executive orders. By

executive order, to allow for social distancing to prevent the spread of COVID-19, the governor:

- Suspended the operation of statutes prohibiting more than 7 players in the game of blackjack;
- Suspended the operation of statutes limiting a casino operator to 2 noncontiguous gaming areas within the casino; and
- Eliminated the requirement that an applicant for a limited gaming or sports betting license submit fingerprints simultaneously with the license application for purposes of conducting a fingerprint-based criminal history record check, instead allowing the applicant to submit fingerprints as a supplement to the application.

The act codifies all 3 of these changes but specifies that final action on a license application cannot be taken until the results of the fingerprint-based criminal history record check are received.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1301** Marijuana and hemp regulation - cross-pollination working group - marijuana laws working group - contingency plans for adverse weather events - appropriation. Section 1 of the act defines "cross-pollination", "licensed outdoor marijuana cultivation", "outdoor cultivation", "registered outdoor hemp cultivation", and "volunteer cannabis plant" in connection with the convening of a working group in section 2 to examine measures to minimize cross-pollination between cannabis plants, which working group is required to report its findings and recommendations on or before November 1, 2022, to the legislative committees with jurisdiction over agricultural matters.

Section 4 requires the state licensing authority created to regulate and control the licensing of the cultivation, manufacture, distribution, sale, and testing of regulated marijuana to convene a working group on or before November 1, 2021, to examine existing rules and tax laws that apply to the wholesale marijuana cultivation market to explore how the rules and laws could be amended to better position Colorado businesses to be competitive if marijuana is legalized federally. The working group is required to report its findings and recommendations to the executive director of the department of revenue and the general assembly on or before June 1, 2022.

Section 5 authorizes the state licensing authority to engage in rule-making on:

- The implementation, including the process, procedures, requirements, and restrictions, of contingency plans for outdoor marijuana cultivation facilities to ameliorate crop loss due to adverse weather; and
- Procedures for the conditional issuance of an employee license identification card.

Sections 6 and 7 authorize medical marijuana cultivation and retail marijuana

cultivation facility licensees with outdoor cultivation facilities, starting January 1, 2022, to file with the state licensing authority a contingency plan for when there is a threat to operations due to an adverse weather event and, if approved, to follow the plan if there is an adverse weather event. The state licensing authority is required to notify a local licensing authority of its approval of a contingency plan and the local licensing authority may require that an applicant for a license include with the license application a contingency plan for the local licensing authority's review and approval.

Section 3 defines "adverse weather event" to mean damaging weather, such as drought, freeze, hail, excessive moisture, excessive wind, or tornado, an adverse natural occurrence, such as an earthquake, wildfire, or a flood, or any additional adverse weather event or adverse natural occurrence that the state licensing authority defines by rule.

For the 2021-22 state fiscal year, the act appropriates:

- \$104,780 from the industrial hemp registration program cash fund and the marijuana tax cash fund to the department of agriculture for agricultural services for the plant industry division and to purchase legal services, with \$21,268 of said amount reappropriated to the department of law for the provision of legal services; and
- \$279,194 from the marijuana cash fund to the department of revenue for use by the specialized business group for marijuana enforcement and for the purchase of legal services, with \$31,902 of said amount reappropriated to the department of law for the provision of legal services.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1317** Marijuana concentrates - high potency marijuana and concentrates study - scientific review council - physician medical marijuana certification requirements - medical marijuana patients age 18-20 requirements - emergency room and coroner toxicology marijuana data collection - medical marijuana advertising limits - marijuana concentration purchase limits - medical marijuana seed-to-sale tracking system real time tracking of purchases - appropriations. The act requires the Colorado school of public health to do a systematic review of the scientific research related to the possible physical and mental health effects of high-potency THC marijuana and concentrates using only funding provided by the general assembly. The act creates a scientific review council (council) to review the report and make recommendations to the general assembly. Based on the research and findings, the Colorado school of public health shall produce a public education campaign for the general public, to be approved by the council, regarding the effect of high-potency THC marijuana on the developing brain and mental health.

Current law requires a doctor to conduct a full assessment of the patient's medical history when making a medical marijuana recommendation. The act requires that assessment

to include the patient's mental health history. If the recommending physician is not the patient's primary care physician, the act directs the recommending physician to review the records of a diagnosing physician or licensed mental health provider. When a practitioner makes a medical marijuana authorization, the practitioner must certify that authorization to the department of public health and environment (department). The act requires the certification to include:

- The date of issue and the effective date of the recommendation;
- The patient's name and address;
- The recommending physician's name, address, and federal drug enforcement agency number;
- The maximum THC potency level of medical marijuana being recommended;
- The recommended product, if any;
- The daily authorized quantity, if the quantity exceeds the maximum statutorily allowed amount for the patient's age;
- Directions for use; and
- The recommending physician's signature.

The act prohibits a physician for charging an additional fee for recommending an extended plant count or making a recommendation related to an exception to a medical marijuana requirement. The act directs the department to annually report on the number of physicians who made medical marijuana recommendations in the past year, how many recommendations each physician made, and the number of homebound patients ages 18 to 20 years old in the registry.

The act imposes the following requirements on medical marijuana patients ages 18 to 20 years old:

- Two physicians from different medical practices have to diagnose the patient as having a debilitating or disabling medical condition after an in-person consultation;
- One of the physicians must explain the possible risks and benefits of the medical use of marijuana to the patient;
- One physician must provide the patient with the written documentation specifying that the patient has been diagnosed with a debilitating or disabling medical condition and the physician has concluded that the patient might benefit from the medical use of marijuana; and
- The patient attends follow-up appointments every 6 months after the initial visit with one of the physicians unless the patient is homebound.

The act requires the department to create a report from emergency room and hospital discharge data of patients who presented with conditions or a diagnosis that reflects marijuana use and provide that report at the department's annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

The act directs the association representing coroners to establish a working group to study methods to test for all scheduled drugs and the presence and quantity of THC in each

case of a non-natural death and make recommendations by July 1, 2022. The recommendation must be reported to the house of representatives health and insurance committee and the senate health and human services committee, or their successor committees. Beginning January 1, 2022, the act requires the coroner in each case of a non-natural death to complete a toxicology screen. The coroner shall report the results of the toxicology screen to the Colorado violent death reporting system. The department then produces an annual report of the data beginning January 2, 2023, and annually each year thereafter.

The act prohibits medical marijuana advertising that is specifically directed to persons ages 18 to 20 years old and requires medical and retail marijuana concentrate advertising to include a warning regarding the risks of medical marijuana concentrate overconsumption.

A medical marijuana store and retail marijuana store shall provide a patient with a tangible education resource regarding the use of medical or retail marijuana concentrate when selling concentrate.

The act requires medical marijuana stores to immediately record transactions in the seed-to-sale inventory tracking system to allow the system to:

- Continuously monitor entry of patient data to identify discrepancies with daily purchase limits and potency authorizations;
- Access and retrieve real-time sales data based on patient identification number; and
- Respond with a user error message if a sale to a patient or caregiver will exceed the patient's allowed purchase limit for that business day or potency authorization.

The data collected is confidential and shall not be shared with anyone except when necessary to complete a sale.

The act limits the amount of medical marijuana concentrate that a patient can purchase in one day to 8 grams, unless the patient is 18 to 20 years old then the limit is 2 grams, except in the case of a homebound patient, if the patient's certification states that the patient needs more than 8 grams or 2 grams respectively. The limit does not apply to medical marijuana patients if it would be a significant physical or geographic hardship for the patient to make a daily purchase or if the patient had a registry identification card prior to being 18 years old.

The act limits the amount of retail marijuana concentrate that a patient can purchase in one day to 8 grams.

The marijuana enforcement division shall convene a stakeholder work group to develop and complete by January 1, 2022:

- A uniform certification form to be used by recommending physicians when authorizing the patient to purchase more than the statutorily allowed quantities, as required by section 25-1.5-106 (5), Colorado Revised Statutes, which may be relied upon by medical marijuana stores. The form must contain a uniform

weight and uniform potency description to enable a medical marijuana store to fulfill its obligations without the need to make a further calculation or examine other documents. The form shall not contain any information concerning the patient's medical condition or diagnosis.

- A tangible educational resource regarding the use of regulated marijuana concentrate.

For the 2021-22 state fiscal year, the act appropriates:

- \$4,000,000 from the marijuana tax cash fund to the department of higher education for use by the Colorado school of public health and any unexpended money from the appropriation is further appropriated to the department for the same purpose;
- \$541,826 to the department of public health and environment for use by the center for health and environmental information: \$265,656 of the appropriation is from the general fund and is \$276,170 from the medical marijuana program cash fund;
- \$50,000 from the general fund to the department of public health and environment for use by disease control and public health response;
- \$255,167 from the marijuana cash fund to the department of revenue to implement the act;
- \$95,706 and allocates 0.5 FTE to the department of law from reappropriated funds from the department of revenue; and
- \$2,000,000 from the first time drunk driving offender account to the department of transportation.

**APPROVED** by Governor June 24, 2021

**PORTIONS EFFECTIVE** June 24, 2021  
**PORTIONS EFFECTIVE** January 1, 2022



## STATUTES

**S.B. 21-68** Enactment of Colorado Revised Statutes 2020. The act enacts the softbound volumes of the Colorado Revised Statutes 2020, the 2020 Colorado Special Supplement of Voter Approved Changes, and the 2020 Colorado Special Session Supplement as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

**APPROVED** by Governor March 25, 2021

**EFFECTIVE** March 25, 2021

**S.B. 21-266** Revisor's bill. To improve the clarity and certainty of the statutes, the act amends, repeals, and reconstructs various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the act. The amendments made by the act are not intended to change the meaning or intent of the statutes, as amended.

**APPROVED** by Governor July 2, 2021

**EFFECTIVE** July 2, 2021

## TAXATION

**S.B. 21-19** Property tax - notices of valuation - authority to mail on postcard. The act allows assessors to mail abbreviated notices of valuation on a postcard for property tax purposes, and specifies the minimum information that must be included on the postcard.

The act applies to notices of valuation required to be mailed no later than May 1, 2021.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** March 21, 2021

**S.B. 21-20** Property tax - valuation - energy storage systems - renewable energy facilities - income approach. The act ensures that clean energy resources and energy storage systems used to store electricity are assessed for valuation for the purpose of property taxation in a similar manner to renewable energy facility property used to generate and deliver electricity. The act also modifies the income approach for certain renewable energy facilities by extending the "tax factor" from a 20-year period to a 30-year period. It also specifies that after the 20- or 30-year period, as applicable, a tax factor is not applied and the taxable value shall not exceed the depreciated value floor calculated using the cost basis method. The administrator is also required to utilize the income approach for solar energy facilities that generate 2 megawatts or less, so that similar facilities will be valued in the same manner.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-65** Gasoline and special fuels tax - disclosure of information - gasoline distributors. The act allows the executive director of the department of revenue to disclose information relevant to an assessment of a gasoline distributor for the failure to make the required sworn statement and pay the tax for any calendar month or for a gasoline distributor filing an incorrect or fraudulent statement or return for any calendar month. The executive director may only disclose this information to taxpayers with cases involving common or related issues of fact or law. Taxpayers are limited in the use and disclosure of this information.

The act also requires, upon written request by a local government official, a gasoline distributor to disclose certain records to local government officials related to an alleged violation of the administration of the gasoline and special fuels tax.

**APPROVED** by Governor March 21, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-130** Property tax - business personal property exemption - local authority. The act allows counties, municipalities, and special districts to exempt up to 100% of business personal property from the levy and collection of property taxation for the 2021 property tax year.

**APPROVED** by Governor April 29, 2021

**EFFECTIVE** April 29, 2021

**S.B. 21-145** Income tax - tax check-offs - extension. The voluntary contribution to the Colorado healthy rivers fund, the Alzheimer's Association fund, the military family relief fund, the Colorado cancer fund, the Make-A-Wish Foundation of Colorado fund, and the unwanted horse fund are currently scheduled to appear on the state income tax return form for income tax years beginning prior to January 1, 2021. The act reauthorizes the funds to remain on the form, so long as the funds meet the existing statutory requirement that a voluntary contribution fund must receive at least \$50,000 in contributions each tax year.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 21-279** Property tax - delinquent interest payments - reduction, waiver, or suspension - advance payments to local taxing jurisdictions. The act allows a board of county commissioners or a city council of a city and county, upon approval of the county treasurer, to temporarily reduce, waive, or suspend delinquent interest payments for property tax payments for any period of time between June 16, 2021, and September 30, 2021.

The act also requires a board of county commissioners or city council to notify local taxing jurisdictions of the intent to reduce, waive, or suspend delinquent property tax interest payments. If a local taxing jurisdiction would be unable to meet its bond payment obligations after the proposed reduction, waiver, or suspension, the local taxing jurisdiction shall notify the board of county commissioners or city council.

If the local taxing jurisdiction submits a letter to the board of county commissioners of the county or city council of the city and county, the act requires a treasurer, or other officer responsible for the collection of property taxes for a county or city and county, to advance property tax payments to local taxing jurisdictions to assist the local taxing jurisdictions in the payment of bonded indebtedness payments and monthly operation costs.

**APPROVED** by Governor June 28, 2021

**EFFECTIVE** June 28, 2021

**S.B. 21-281** Severance tax - allocation - study - metropolitan district reimbursement to state. Currently, 50% of state severance tax revenues are deposited into the severance tax trust fund, which is then typically split between the severance tax perpetual base fund (perpetual base fund) and the severance tax operational fund (operational fund). Money in the

operational fund is currently used for core departmental programs and, if there are sufficient available revenues, for transfers to funds that support natural resources and energy grant programs (grant program transfers). The act repeals the grant program transfers, with some, but not all, of the recipient programs receiving alternative funding from severance tax revenues.

Subject to annual appropriation, the Colorado water conservation board is authorized to direct the state treasurer to transfer money from the perpetual base fund to the water supply reserve fund, the interbasin compact committee operation fund, and the water efficiency grant program cash fund, all of which previously received grant program transfers. The general assembly is authorized to directly appropriate or transfer money into the perpetual base fund and the water supply reserve fund.

If less than 100% of the money available in the operational fund is used for the current core departmental programs, then, the general assembly may appropriate money from the operational fund to the species conservation trust fund, the division of parks and wildlife aquatic nuisance species fund, and the conservation district grant fund, all of which previously received grant program transfers. The transfers from the operational fund are subject to the same limits that they had as grant program transfers. On June 30, 2021, and July 1, 2022, the state treasurer is required to transfer \$9,456,005 from the general fund to the operational fund.

The director of the office of state planning and budgeting and the executive directors of the departments of revenue, natural resources, education, and local affairs, or their designees, are required to review and analyze various elements of the state severance tax and submit written recommendations for any changes to the joint budget committee. Stakeholders will be involved in the process and may submit responsive comments to the recommendations.

The act also requires metropolitan districts created after July 1, 2021, to annually pay the state an amount equal to the total of all severance tax ad valorem credits claimed for property taxes that are imposed by the metropolitan district. This money will be allocated like severance tax revenues.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**Note:** Certain provisions are contingent on Senate Bill 21-189 and House Bill 21-1242 becoming law. Both Senate Bill 21-189 and House Bill 21-1242 were signed by the governor on June 24, 2021, and became law.

**S.B. 21-282** Sales and use tax - extending the exception to destination sourcing. By enacting House Bill 19-1240 in 2019, concerning sales and use tax administration, the state codified the department of revenue's destination sourcing rule for state sales and use tax collection for sales and use taxes imposed by any statutory incorporated town, city, or county and for special districts. That bill allowed small retailers to source their sales to the business' location regardless of where the purchaser receives the tangible personal property or service until 90

days after a geographic information system provided by the state is online and available for the retailer to determine the taxing jurisdiction in which an address resides. On April 1, 2021, the department of revenue issued a notice that the geographic information system is online and meets the requirements. Therefore, under current law, the small retailer exception to the sales tax destination sourcing rules will repeal on June 30, 2021.

This act allows small retailers to source their sales to the business' location regardless of where the purchaser receives the tangible personal property or service until February 1, 2022.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**S.B. 21-293** Property tax - residential property - nonresidential property - agricultural property, lodging property, renewable energy production property, and multi-family residential real property - classification for valuation of assessment - assessment rates. The act repeals a moratorium on changing a ratio for valuation for assessment (assessment rate), which is the percentage applied to a property's actual value to determine the taxable amount upon which a mill levy is imposed and classifies agricultural property, lodging property, and renewable energy production property as new subclasses of nonresidential property for purposes of the valuation for assessment. The assessment rate for agricultural property and renewable energy production property is temporarily reduced from 29% to 26.4% for the next 2 property tax years. The law is restructured so that, if an initiated measure to reduce the assessment rate for nonresidential property is approved by voters, then it would only apply to lodging property.

Multi-family residential real property is classified as a new subclass of residential real property. The law is restructured so that, if an initiated measure to reduce the residential assessment rate is approved by voters, then it would only apply to multi-family residential real property. If the initiated measure fails or is not on the ballot, then, the assessment rate for multi-family residential real property is temporarily reduced from 7.15% to 6.8% for the next 2 property tax years. The assessment rate for all residential real property other than multi-family residential real property is temporarily reduced from 7.15% to 6.95% for the next 2 property tax years.

The property tax deferral program is expanded to allow any person to defer the payment of the portion of real property taxes that exceed the tax-growth cap, which is an amount equal to the average of the person's real property taxes paid for the preceding 2 property tax years for the same homestead, increased by 4%. The minimum amount a taxpayer may defer at one time under this authorization is \$100, and the total taxes that a taxpayer may defer is \$10,000. The taxpayer is treated like a person called into military service for purposes of surviving-spouse eligibility and the equity the person must have in the homestead to qualify for a deferral.

The governor's office, in consultation with the treasurer, is required to commission a study on the property tax deferral program and make recommendations for possible changes to the general assembly by January 1, 2022.

Assessors are required to include information about the assessment rates that apply to the various classes of property, which is prepared by the property tax administrator, along with the notices of valuation that are sent in 2022 or make this information available on the assessor's website.

Finally, the act makes conforming amendments related to the new classifications or assessment rates.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

**Note:** Certain provisions are contingent on the results a measure concerning property tax reductions being either approved or not approved by a majority of voters at the November 2021 statewide election.

**H.B. 21-1002** Income tax - subtractions from federal taxable income - expansion of the earned income tax credit - appropriation. Sections 1 and 3 of the act restore, over time, certain business deductions to federal taxable income that were disallowed in Colorado by operation of a department of revenue rule and by House Bill 20-1420. The specific deductions are related to net operating losses, the application of the federal excess business loss rules, interest expenses, and qualified improvement property.

The earned income tax credit is equal to a percentage of the federal earned income tax credit. Section 2 allows taxpayers filing with an individual taxpayer identification number to claim the earned income tax credit for income tax years commencing on or after January 1, 2020.

**APPROVED** by Governor January 21, 2021

**EFFECTIVE** January 21, 2021

**H.B. 21-1061** Property tax - residential real property - classification of a contiguous, identically owned parcel. The act modifies the definition of the term "residential land" for the purpose of property tax classification. Currently, a parcel of land without a residential improvement is classified as residential land if it is contiguous with a parcel of land under common ownership upon which a residential improvement is located and if it is used as a unit in conjunction with the residential improvements located thereon. The act modifies classification for this type of parcel by:

- Requiring the parcel to have the identical owner as the adjacent parcel based on the record title;
- Requiring the parcel to have a related improvement that is essential to the use of a residential improvement located on the identically owned contiguous residential land; and
- Specifying that contiguity in this instance is not interrupted by an intervening local service street, alley, or common element in a common-interest community.

The act also removes from the definition parcels of land in a residential subdivision, the exclusive use of which land is established by the ownership of such residential improvements.

**APPROVED** by Governor April 27, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1083** Taxable property valuation - valuation appeal. Under current law, when a property owner appeals the valuation of property set by a county board of equalization, the valuation may not be increased on appeal. The act removes this restriction.

**APPROVED** by Governor April 7, 2021

**EFFECTIVE** April 7, 2021

**H.B. 21-1153** Income tax - enterprise zones - child care contribution credit. The act repeals the enterprise zone child care contributions income tax credit that was available for income tax years commencing prior to January 1, 1999.

**APPROVED** by Governor May 10, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1154** Income tax - in-kind child care contribution credit. House Bill 00-1351, enacted in 2000, removed the provision permitting a child care contribution income tax credit for an in-kind contribution. Accordingly, the act removes all references in the statute to an in-kind contribution. The act also repeals an obsolete provision that was only applicable to the income tax year that commenced on or after January 1, 1999, but prior to January 1, 2000.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1155** Sales and use tax - defects and anachronisms in statute. Section 1 of the act changes the cross references to certain definitions related to bingo that were relocated as a result of Senate Bill 17-232. The statutory references were not correctly changed for purposes of the bingo equipment sales and use tax exemption. This section addresses that defect.

Section 2 removes the words "low-emitting" from the description of a sales tax exemption because the exemption is no longer conditioned on the motor vehicle being

"low-emitting".

Section 3 corrects a missed conforming amendment. House Bill 20-1023 provided for the conditional repeal of section 39-26-105.3 to be effectively replaced with section 39-26-105.2. Section 39-26-204.5, a use tax statute, makes reference to section 39-26-105.2 but a conforming amendment to that section was not included in House Bill 20-1023. Section 3 adds the same conditional repeal to the use tax statute and provides the same hold harmless for retailers as is provided in section 39-26-105.2.

Section 4 addresses an anachronism in the sales tax statutes by repealing section 39-26-110. That statute specifies that a retailer doing business in 2 or more locations in Colorado may file one return that will cover all business locations. This statute was added as part of the "Emergency Retail Sales Tax Act of 1935" and has not been amended since, only moved around. With the advent of home rule taxing jurisdictions that can collect and administer their own sales and use tax, it is no longer possible that retailers doing business in more than one location in Colorado can file only one return to report all sales and use taxes collected because the department of revenue no longer administers all sales and use taxes in the state.

Section 5 addresses a defect in the sales tax statute by updating the statutory reference for the definition of "food" for purposes of a sales tax exemption for certain types of food. The definition of food is no longer located in 7 U.S.C. sec. 2012 (g). It is better to include a more general cross reference to all of 7 U.S.C. sec. 2012 instead of the specific subsection (g), which is now incorrect. A more general reference allows for later amendments to that section.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** May 7, 2021

**H.B. 21-1156** Oil and gas withholding - fixing defects. Under current law, a producer or purchaser is required to withhold an amount from each disbursement made to an interest owner in any oil and gas produced in the state and pay this amount to the department of revenue. The act fixes defects related to this law by:

- For purposes of electronic payments, replacing a cross-reference to a repealed subsection with a reference to the current statutory requirement;
- Expanding the defined term "producer" to be "producer or purchaser" to eliminate a redundancy in the law; and
- Repealing extraneous references to "oil shale" from the definition.

The act also repeals obsolete filing requirements that applied prior to July 1, 2007.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.



**H.B. 21-1157** Department of revenue - scope of department administration. Section 39-21-102 accurately specifies the scope and applicability of article 21 of title 39 and establishes all the taxes that the department of revenue is responsible for administering. However, sections 39-21-119 and 39-21-120 attempt to reference similar lists of taxes in order to specify authorized methods of filing and paying the taxes. Unfortunately, some of the tax types are omitted in these sections, making these sections defective. The act removes the references to the tax types in sections 39-21-119 and 39-21-120 so that section 39-21-102 controls instead.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1158** Sales and use tax - agriculture and livestock - farm equipment and special fuels. The act removes an unused definition of "agricultural compounds" and a redundant reference to a sales and use tax exemption for poultry and livestock. The act also reorganizes special fuel and farm equipment sales and use tax exemptions so that they are in the same location.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1177** Sales and use tax - add corresponding use tax exemptions to certain existing sales tax exemptions. All of the current law sections presented in the act provide sales tax exemptions for specific items. None of the sales tax exemptions in the act authorize corresponding use tax exemptions. As a result, an item could conceivably become subject to use tax the instant the tax-exempt sale occurs. Most statutory sales tax exemptions have corresponding use tax exemptions to prevent this. Consequently, the act addresses defects in statute by clarifying that an item that is subject to a sales tax exemption is actually exempt from both sales and use tax and makes those statutory sections compatible with the fundamental principles of use tax and Colorado supreme court decisions on the subject.

**APPROVED** by Governor April 22, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1233** Income tax - credits - credit for donation of perpetual conservation easement. The act makes the following changes affecting claims for an income tax credit allowed for the donation of a perpetual conservation easement in gross (tax credit):

- Specifies that the division of conservation can be a holder of a conservation easement in gross;
- Authorizes the executive director to provide information regarding a taxpayer to another taxpayer or require information to be given to the division of conservation in certain circumstances;
- Modifies the definition of "taxpayer" to clarify the applicability of the tax credit to donations made by certain nonprofit and governmental entities;
- Modifies the process for filing conservation easement tax credit certificates with income tax returns;
- Eliminates the authority of the executive director of the department of revenue to require additional information regarding the amount and validity of tax credits and to resolve disputes regarding the credits;
- Establishes a process for the division of conservation to track the transfer of and certify the ownership of tax credits;
- Modifies the formula used to calculate the amount of the tax credit;
- Modifies the manner in which the amount of a tax credit is allocated among owners, partners, members, or shareholders of certain legal entities;
- Modifies certain provisions regarding the number of tax credits that may be claimed and the manner of claiming the credits;
- Eliminates the requirement that the donor of an easement is the tax matters representative for purposes of resolving issues and disputes relating to a transferred credit;
- Allows certain governmental entities that are not subject to income tax to be able to claim a transferrable expense amount for the donation of a perpetual conservation easement to be transferred to a transferee in lieu of claiming a tax credit; and
- Eliminates obsolete reporting requirements.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**H.B. 21-1261** Sales and use tax - exemption - beetle kill wood products. The sale of wood and wood products from trees killed by pine and spruce beetles in the state was exempt from sales and use tax from 2008 through June 2020. The act extends the exemption from July 1, 2021, through June 2026.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**H.B. 21-1265** Sales tax - temporary deduction from state net taxable sales for qualifying retailers - COVID-19 relief - extension - expansion of qualifying retailers. The act continues for June 2021, July 2021, and August 2021 a temporary deduction from state net taxable sales for qualifying retailers in the alcoholic beverages drinking places industry, the restaurant and other eating places industry, and the mobile food services industry in the state in order to allow such qualified retailers to retain the resulting sales tax collected as assistance for lost revenue as a result of the economic disruptions due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

The act also expands the definition of qualifying retailers to include those in the catering industry, the food service contractors industry, and the hotel-operated restaurant, bar, or catering service.

**APPROVED** by Governor June 14, 2021

**EFFECTIVE** June 14, 2021

**H.B. 21-1267** Property tax - board of county commissioners - certification of mill levies. After receipt of the amounts to be levied against taxable property in the county, the board of county commissioners or other taxing authority (BOCC) is required to hold a formal hearing and to certify such levies to the county assessor. The act gives the BOCC the option to authorize the levies by written approval rather than by formal hearing and to delegate the certification process to staff or other authorized parties.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1311** Income tax - individual and corporate - changes. Section 2 of the act requires CollegeInvest to provide the department of revenue (department) with a secure electronic report of CollegeInvest account holders who are also Colorado taxpayers who made distributions between January 1, 2017, and January 1, 2021. The department is required to examine a risk-based sample of such taxpayers to substantiate that the distribution was made for authorized purposes. The department is also required to regularly examine a risk-based sample of distributions on or after January 1, 2021, and determine if the taxpayer paid the correct amount of income tax. The executive director of the department is required to provide a report of the examinations as part of the department's presentation to its legislative committee of reference.

Section 3 of the act modifies how taxable income is determined for individuals for purposes of the state income tax. Specifically, it:

- Extends the limit on the federal deduction allowed under section 199A of the internal revenue code;
- Imposes a cap for taxpayers with adjusted gross incomes equal to or exceeding \$400,000 on certain itemized deductions claimed under the internal revenue code;
- Requires individual taxpayers to add amounts of federal taxable income that are equal to the enhanced federal deductions for food and beverage in a restaurant for the 2022 income year (this is also required for corporate taxpayers in section 7 of the act);
- Repeals, for social security income earned by individuals who are 65 years of age or older that is included in federal taxable income only, the cap on the deduction for pension and annuity income received; and
- Adds an annually adjusted cap, per taxpayer per beneficiary, on the income tax

deduction for contributions made to 529 plans, and requires CollegeInvest to provide the department with a secure electronic report containing specified information for the 529 plans account owners and third-party contributors necessary for the administration of the income tax deduction.

Section 4 of the act increases the earned income tax credit to 20% for income tax years commencing on or after January 1, 2022, but before January 1, 2023, and income tax years commencing on or after January 1, 2026. Section 3 also increases the earned income tax credit to 25% for income tax years commencing on or after January 1, 2023, but before January 1, 2026. Finally, section 4 of the act applies the lowered minimum age for individuals without a qualifying child in the federal "American Rescue Plan Act of 2021" to the state credit for income tax years commencing on or after January 1, 2022.

Section 5 of the act funds the child tax credit for income tax years commencing on or after January 1, 2022, and allows a child tax credit in the state regardless of the federal requirement that a qualifying child must have a social security number for the federal child tax credit. Section 5 of the act also specifies that if the changes to the federal child tax credit in the "American Rescue Plan Act of 2021" are no longer in effect, the percentages of the state child tax credit are increased.

Section 6 of the act modifies the computation of the corporate income tax receipts factor to make it more congruent with combined reporting and also prevents corporations from using tax shelters in foreign jurisdictions for the purpose of tax avoidance.

Section 7 of the act functions to prevent corporations from using tax shelters in foreign jurisdictions for the purpose of tax avoidance and additionally modifies how taxable income is determined for C corporations for purposes of the state income tax. Specifically, it requires corporate taxpayers to add amounts of federal taxable income that are equal to the enhanced federal deductions for food and beverage in a restaurant for the 2022 income year.

Section 8 of the act limits the state subtraction for certain capital gains incurred by allowing the subtraction to a taxpayer who is required to file a Schedule F, profit or loss from farming, as an attachment to the taxpayer's federal income tax return for the tax year in which the net capital gains arise for the sale of real property, not tangible personal property, that is classified as agricultural land for property tax purposes.

Section 9 of the act creates a temporary income tax credit for a business for a percentage of the conversion costs to convert the business to a worker-owned coop, an employee stock ownership plan, or an employee ownership trust.

Sections 10 through 13 of the act address the avoidance of income tax by certain captive insurance companies.

Section 14 of the act adds an appropriation to:

- The office of the governor for use by the office of economic development for the administration of the income tax credit for a business converting to a worker-owned coop, an employee stock ownership plan, or an employee

- ownership trust; and
- The department of revenue for administration and support.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

**H.B. 21-1312** Insurance premium tax - property tax - sales and use tax - severance tax - modifications. To be deemed to maintain a home office or regional home office and pay the insurance premium tax at a rate of 1%, the act requires a company to have a minimum percentage of its total domestic workforce in the state. This percentage is 2% for 2022, 2.25% for 2023, and 2.5% for 2024 and thereafter. The act also narrows the tax exemption for annuities considerations. For the purpose of auditing a company's tax statement, the commissioner of insurance may appoint an independent examiner to conduct an examination on behalf of the commissioner.

For purposes of imposing the property tax, the act specifies that the actual value of real property reflects the value of the fee simple estate and the actual value of personal property is determined based on the property's value in use, which will be defined by the property tax administrator. The act also increases the per schedule exemption for business personal property from \$7,900 to \$50,000, adjusted for inflation, and the state is required to reimburse local governments for lost property tax revenue caused by the increase. Assessors are required to provide an estimate of the exempt business personal property along with the certifications to local governments.

The state sales and use tax is imposed on the sale and use of tangible personal property. The act codifies the department of revenue rule that the definition of "tangible personal property" includes "digital goods" and specifies that the state sales tax applies to amounts charged for mainframe computer access, photocopying, and packing and crating. Beginning January 1, 2022, a retailer whose total taxable sales were greater than \$1 million for a filing period is not permitted to retain any portion of the sales and use tax collected as compensation for the retailer's tax-collection expenses.

The act limits the allowable deductions, which are used to determine the taxable amount of oil and gas subject to the severance tax, to direct costs actually paid or accrued by the taxpayer for those purposes. Beginning with the 2022 taxable year, the act phases out the quarterly exemption and the tax credits for the severance tax on coal. The additional revenue that results from changes to the coal severance tax is credited to the just transition cash fund.

**APPROVED** by Governor June 23, 2021

**PORTIONS EFFECTIVE** July 1, 2021  
**PORTIONS EFFECTIVE** January 1, 2022

**H.B. 21-1322** Special fuels - restructuring. The act restructures the excise tax on gasoline and special fuel (fuels) by:

- Modifying the point of taxation;
- Eliminating the 3 tax deferred transactions;
- Exempting the tax from the import or removal of fuels by bulk transfer to,

- from, or within a terminal or refinery in certain circumstances;
- Permitting the 2% allowance to cover losses for terminals that are outside of the state;
- Requiring a terminal operator to verify that the person receiving the fuels is a licensee or is exempt from taxation;
- Specifying when the tax is imposed on an importer, blender, seller of liquefied petroleum gas or natural gas, user, and other distributor;
- Harmonizing provisions applicable to the exemption for governments;
- Explicitly identifying certain fuels used in aircrafts as being exempt;
- Codifying that a distributor has the burden of proving that fuels are exempt;
- Codifying the exemption for the removal of fuels from a terminal by a licensed exporter exclusively for delivery to another state;
- Requiring a terminal operator to be licensed, which is the current practice;
- Consolidating the penalties for acting without a license;
- Making conforming changes related to the aforementioned changes;
- Reorganizing and relocating provisions; and
- Modernizing language.

**APPROVED** by Governor July 6, 2021

**EFFECTIVE** January 1, 2022

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1327** Income tax - pass-through entities - authority to elect to pay state income tax at the entity level. The 2017 federal "Tax Cuts and Jobs Act" placed a cap of \$10,000 on the amount of state and local taxes paid that an individual can deduct on their federal taxes. This limitation did not apply to C corporations. Consequently, businesses organized as pass-through entities like S corporations and partnerships pay increased taxes on business profits compared to C corporations because pass-through entities pay taxes on business profits at the individual (partner or shareholder) level.

For income tax years commencing on or after January 1, 2022, the act allows pass-through entities to elect to pay their state income tax at the entity level so that the pass-through entity can claim an unlimited deduction at the federal level of state and local taxes paid; except that the election is only allowed in an income tax year where there is a limitation on the deductions allowed to individuals under section 164 of the internal revenue code.

While this reduces federal taxable income for the pass-through entity, it does not reduce Colorado taxable income because, under current law, the individual and the partnership are required to add back any state and local taxes deducted at the federal level.

The act adds an appropriation for the department of revenue to implement the taxpayer's election to pay their state income tax at the entity level.

**APPROVED** by Governor June 23, 2021

**EFFECTIVE** June 23, 2021

## TRANSPORTATION

**S.B. 21-260** Transportation system funding, planning, and electrification - general fund and federal fund transfers - retail delivery, per ride, road usage, bridge and tunnel impact, and electric motor vehicle fees - creation and expansion of enterprises and branches of department of transportation - state spending cap restoration - required consideration of environmental impacts of transportation capacity projects - transportation planning organization powers - studies and reports - appropriations - severability. The act creates new sources of dedicated funding and new state enterprises to enable the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system by preserving, improving, and expanding existing transportation infrastructure, developing the modern infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigating adverse environmental and health impacts of transportation system use as follows:

- Section 6 of the act creates the community access enterprise within the Colorado energy office (CEO) for the purpose of supporting the widespread and equitable adoption of electric motor vehicles and electric alternatives to motor vehicles in an equitable manner. The community access enterprise is authorized to impose a community access retail delivery fee to fund its business purpose. The governance and powers and duties of the community access enterprise are specified.
- Section 7 transfers money from the federal coronavirus state fiscal recovery fund (FCSFRF) and the general fund as follows:
  - From the FCSFRF on June 30, 2021:
    - \$182,160,000 to the state highway fund (SHF), \$22,160,000 of which is dedicated to the revitalizing main streets program of the department of transportation (CDOT) and \$500,000 of which is dedicated to acquire, plan the development of, or develop the Burnham Yard rail property in Denver;
    - \$161,340,000 to the multimodal transportation and mitigation options fund (MTMOF); and
    - \$36,500,000 to the highway users tax fund (HUTF).
  - From the general fund on July 1, 2021, \$170,000,000 to the SHF;
  - From the general fund on each July 1 from July 1, 2024, through July 1, 2031:
    - \$10,500,000 to the MTMOF; and
    - \$7,000,000 to the SHF for the revitalizing main streets program;
  - From the general fund on each July 1 from July 1, 2024, through July 1, 2028, \$100,000,000 to the SHF, with \$10,000,000 of each transfer required to be spent by CDOT solely to mitigate the environmental and health impacts of increased air pollution from motor vehicle emissions

in nonattainment areas by funding projects that reduce vehicle miles traveled or that directly reduce air pollution;

- From the general fund on each July 1 from July 1, 2029, through July 1, 2031, \$82,500,000 to the SHF; and
  - From the general fund on June 30, 2022, and, to the extent necessary, on each June 30 thereafter through June 30, 2026, until a total amount of \$115,000,000 has been transferred, the lesser of 50% of all additional revenue retained by the state due to the restoration of the excess state revenues cap (Referendum C cap) by section 8 or \$115,000,000.
- 
- Section 8 restores the Referendum C cap, which the general assembly reduced in 2017, to its maximum voter-approved level.
  - Section 11 creates the clean fleet enterprise within the department of public health and environment (CDPHE) for the business purpose of incentivizing and supporting the use of electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets. The clean fleet enterprise is authorized to impose a clean fleet retail delivery fee to be paid by the purchaser of tangible personal property delivered to the purchaser by motor vehicle and a clean fleet per ride fee to be paid by a transportation network company (TNC) on each ride offered and accepted by the TNC to fund the clean fleet enterprise's business purpose. The governance and powers and duties of the clean fleet enterprise are specified.
  - Section 25 requires the department of revenue (DOR) to collect the per ride fees imposed by the clean fleet enterprise and the nonattainment area air pollution mitigation enterprise as authorized by sections 11 and 52. Both fees are first imposed for rides offered and accepted in state fiscal year (FY) 2022-23 and are annually adjusted for consumer price index (CPI) inflation thereafter.
  - Section 26 indexes the existing \$50 registration fee imposed on electric motor vehicles to national highway construction cost index (NHCCI) inflation and imposes additional electric motor vehicle road usage equalization fees on battery electric motor vehicles at a specified level and on plug-in hybrid electric motor vehicles at a lower level, with both additional fees being phased in on a set schedule from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation. Section 26 also imposes a commercial electric motor vehicle fee. The increase and new fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities; except that 40% of the revenue generated by inflation indexing of the existing \$50 registration fee is credited to the electric vehicle grant fund and 30% of the revenue generated by the commercial electric motor vehicle fee is credited to the SHF for freight-related projects. In 2026, specified executive agencies must jointly review the fees and make recommendations to the transportation legislation review committee of the general assembly as to whether the fees should be adjusted or whether fees should also be imposed on hydrogen fuel cell motor vehicles to ensure continued equalization of the average aggregate amount of registration fees and motor fuel charges annually paid by owners of electric



motor vehicles and owners of motor vehicles powered exclusively by internal combustion engines.

- Section 35 imposes road usage fees on gasoline and diesel purchases that are phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation, with the road usage fees also being adjusted beginning in state FY 2032-33 in a manner calculated to generate the same amount of additional revenue as would be generated by indexing the existing state excise taxes imposed on gasoline and diesel to construction cost inflation. The fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities.
- Section 35 also imposes a retail delivery fee on retail deliveries by motor vehicle that include tangible personal property subject to the state sales tax, requires the fee to be collected from the purchaser by the retailer, and requires simultaneous collection of community access, clean fleet, bridge and tunnel, clean transit, and air pollution mitigation retail delivery fees imposed, respectively, by the community access, clean fleet, statewide bridge and tunnel, clean transit, and nonattainment area air pollution mitigation enterprises. The fees are first collected in state FY 2022-23 and are annually adjusted for CPI inflation thereafter. Retail delivery fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities and to the MTMOF and each enterprise's retail delivery fee revenue is collected by DOR on behalf of and credited to the cash fund controlled by the enterprise.
- Sections 45, 46, and 48 change the name of the statewide bridge enterprise to the statewide bridge and tunnel enterprise, authorize the enterprise to complete tunnel projects, and authorize the enterprise to impose a bridge and tunnel impact fee on diesel fuel and a bridge and tunnel retail delivery fee to fund its business purpose. The bridge and tunnel impact fee is phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation.
- Section 47 indexes the existing \$2 short-term daily vehicle rental fee to CPI inflation and, on or after July 1, 2022, requires a car sharing program to collect the daily vehicle rental fee for any short-term vehicle rental of 24 hours or longer that is enabled by the car sharing program.
- Sections 49 through 51 change the name of the multimodal transportation options fund to the MTMOF and classify greenhouse gas mitigation projects as multimodal projects eligible for MTMOF funding. Section 51 also requires \$12,000,000 to be transferred, on July 1, 2021, from the MTMOF to the southwest chief rail line economic development, rural tourism, and infrastructure repaired and maintenance fund to provide additional funding for the southwest chief La Junta route restoration program and an additional \$2,500,000 to be transferred from the MTMOF to that fund on February 15, 2022. On and after October 1, 2022, unless CDOT has adopted implementing guidelines and procedures that require it and metropolitan planning organizations to take additional steps in the planning process for regionally significant transportation capacity projects to account for impacts on statewide greenhouse gas pollution and statewide vehicle miles traveled as required by section 30, section 51 also limits the use of money credited to the MTMOF from some of the general fund transfers made pursuant to section 7 and from

the retail delivery fee pursuant to section 35 to multimodal projects that will help bring CDOT's 10-year vision plan or, in specified circumstances a metropolitan planning organization's regional transportation plan, into compliance with section 30 requirements.

- Section 52 creates the clean transit enterprise within CDOT for the business purpose of supporting clean public transit through electrification planning efforts, facility upgrades, fleet motor vehicle replacement, and construction and development of associated electric motor vehicle charging and fueling infrastructure. The clean transit enterprise is authorized to impose a clean transit retail delivery fee of up to a specified amount to fund its business purpose. The governance and powers and duties of the clean transit enterprise are specified. Section 52 also creates the nonattainment area air pollution mitigation enterprise for the purpose of mitigating transportation-related emissions in ozone nonattainment areas. The nonattainment area air pollution mitigation enterprise is authorized to impose air pollution mitigation per ride and retail delivery fees to fund its business purpose. The governance and powers and duties of the clean transit enterprise are specified.

Section 1 makes legislative findings and declarations that explain the purpose of the act and the reasons why it includes the new sources of dedicated funding and new state enterprises that it does. Section 2 clarifies that an existing fee may be used to fund the functions of the freight mobility and safety branch created in section 29. Sections 3 and 4 respectively clarify that the clean fleet enterprise operates as a **type 1** agency within CDPHE and that the clean transit enterprise and the nonattainment area air pollution mitigation enterprise operate as type 1 agencies within CDOT.

Section 5 requires the CEO and CDPHE, after consultation with CDOT, to jointly and annually prepare a report for specified legislative committees that details the progress made toward the electric motor vehicle adoption goals set forth in the "Colorado Electric Vehicle Plan 2020" and the transportation sector greenhouse gas pollution reduction goals set forth in the "Colorado Greenhouse Gas Pollution Reduction Roadmap". Section 5 also specifies a methodology to be used by the CEO, CDOT, and CDPHE to estimate the social costs of greenhouse gas pollution.

Sections 9, 34, 44, and 53 effectuate the repeal of the requirement that a ballot question seeking approval for the issuance of transportation revenue anticipation notes be submitted to the voters of the state at the November 2021 statewide election.

Section 10 requires CDOT to comply with specified transparency and contractor short-listing requirements when using the integrated project delivery method of contract procurement for a public project that involves infrastructure that is part of the state highway system. Section 14 clarifies that sales and use tax is not levied on the retail delivery fees imposed by or as authorized by the act. Sections 16 through 21 provide legal authority for collection under an existing multistate agreement of the motor fuel road usage and bridge and tunnel impact fees imposed by or as authorized by the act. Section 22 requires the staff of the public utilities commission to prepare an authorized taxi carrier parity report.

Section 27 requires CDPHE to seek approval from the federal environmental protection agency to modify the state implementation plan to expand the exemption from emissions testing for new motor vehicles to 10 model years for internal combustion engine motor vehicles and 12 model years for plug-in hybrid electric motor vehicles and to implement any approved modifications within 12 months following the approval. Section 28 creates the environmental justice and equity branch in CDOT's engineering, design, and construction division and requires the branch to identify and address technological, language, and information barriers that may prevent disproportionately impacted communities from participating fully in transportation decisions that affect health, quality of life, and access for disadvantaged and minority businesses in project delivery. Section 29 creates the freight mobility and safety branch in CDOT's transportation development division for the purpose of planning, designing, and implementing programs and projects that enhance freight mobility and safety within the state.

Section 30 requires CDOT and metropolitan planning organizations to engage in an enhanced level of planning, analysis, community engagement, and air quality monitoring with respect to transportation capacity projects and specifies what that entails and also requires CDOT to conduct a road usage charge study and an autonomous vehicle study. Section 31 allows some of the general fund money transferred to the state highway fund pursuant to section 7 to be used for multimodal transportation projects. Section 33 specifies the manner in which revenue credited to the HUTF as required by the act is allocated and expended.

Sections 36 through 43 authorize a transportation planning organization (TPO), subject to territorial restrictions and TPO member jurisdiction approval requirements, to exercise the powers of a regional transportation authority (RTA). Among other powers, the powers of a RTA include the power to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding for the purpose of financing, constructing, operating, and maintaining regional transportation systems. Any additional transportation funding obtained by a TPO exercising the power of a RTA is intended to supplement and not supplant state and federal transportation funding allocated within the boundaries of the TPO. Therefore, the transportation commission and CDOT are prohibited from taking such additional transportation funding into account when determining the amount of state and federal transportation funding to be allocated within the boundaries of a TPO, and CDOT, when submitting its annual proposed budget allocation plan, is required to provide evidence that the proposed allocation of state and federal transportation funding within the boundaries of any TPO that has obtained such additional transportation funding has not been reduced in any way on account of the additional transportation funding.

Section 47 reduces the amount of each road safety surcharge imposed on motor vehicle registration by \$11.10 for registration periods beginning on or after January 1, 2022, but before January 1, 2023, and by \$5.55 for registration periods beginning on or after January 1, 2023, but before January 1, 2024. Section 54 amends Senate Bill 21-205 (the FY 2021-22 general appropriations act) to correct an error and clarify that the electric vehicle grant fund is continuously appropriated to the CEO.

Section 55 funds the implementation of the act by making appropriations for FY 2021-22 as follows:

- \$161,599,957 to CDOT, which includes \$146,840,000 from the MTMOF for multimodal transportation projects, \$14,500,000 from the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund for the southwest chief and front range passenger rail commission, and \$259,957 from the SHF for administration;
- \$1,702,187 from the general fund to CDPHE for use by the air pollution control division, which includes \$1,669,333 for transfer to the clean fleet enterprise initial expenses fund, \$23,449 for personal services related to mobile sources, and \$9,405 for operating expenses related to mobile sources;
- \$1,104,661 to DOR, which includes:
  - From the general fund: \$412,200 for use by the division of motor vehicles for DRIVES system maintenance and support; \$259,875 for use by the taxation business group for tax administration information technology system support; \$231,020 for use by the taxation business group for personal services related to taxation services; \$109,135 for use by the executive director's office for personal services related to administration and support; and \$70,250 for use by the taxation business group for operating expenses related to taxation services; and
  - From the license plate cash fund, \$22,181 for use by the division of motor vehicles for license plate ordering
- \$504,583 of reappropriated funds, which includes \$212,680 from CDPHE, \$191,412 from CDOT, and \$100,491 from office of the governor, to the department of law to CDOT, the governor's office, and CDPHE to provide legal services related to the implementation of the act to CDPHE, CDOT, and the governor's office; and
- \$100,491 from the general fund to the energy fund, which is continuously appropriated to the CEO.

Section 57 specifies that the provisions of the act are severable so that if any provision or its application is held invalid, the invalidity does not affect any other provision or application of a provision that can be given effect without the invalid provision or application.

**APPROVED** by Governor June 17, 2021

**EFFECTIVE** June 17, 2021

**Note:** Certain provisions are contingent on Senate Bill 21-238 becoming law. Senate Bill 21-238 was signed by the governor June 30, 2021, and became law.

**S.B. 21-263** Roadside advertising - Outdoor Advertising Act. The act makes a number of modifications to the "Outdoor Advertising Act", including the following:

- Removing distinctions in the "Outdoor Advertising Act" based on the information on an advertising device, in order to create a content-neutral test for applying the "Outdoor Advertising Act";
- Modifying the regulation by the "Outdoor Advertising Act" of advertising devices with a message center display, so that such devices may not be placed within 1,000 feet of each other on the same side of a highway and facing the same direction of travel;
- Revising the permitting system under the "Outdoor Advertising Act" to establish a timeline for the issuance of a permit or the rejection of a permit application and to create a process to appeal the denial of a permit application;
- Allowing a property owner to maintain a potential advertising device on their property without a permit, if the property owner executes an affidavit attesting that the potential advertising device is not an advertising device as defined under the "Outdoor Advertising Act";
- Modifying the enforcement provisions in the "Outdoor Advertising Act" to remove the current misdemeanor penalty for violations of the act and to ensure that the Colorado department of transportation has the authority to seek a court order enjoining violations of the "Outdoor Advertising Act";
- Removing exceptions from the "Outdoor Advertising Act" that allow the erection of new advertising devices along state highways designated as scenic byways by the transportation commission; and
- No longer allowing on-premise advertising devices to extend over the existing and future right-of-ways of any state highway.

**APPROVED** by Governor June 30, 2021

**EFFECTIVE** June 30, 2021

**S.B. 21-265** General fund - transfer - state highway fund. On July 1, 2021, the state treasurer is required to transfer \$124 million from the general fund to the state highway fund.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**H.B. 21-1066** Modification of monthly financial reporting requirements. The act modifies monthly financial reporting requirements for the department of transportation to:

- Require the department to include in the monthly report that it submits to the state controller:
  - Sufficient financial information for the controller to complete a review of legal overexpenditures, any deficit fund balances, and a budget to actual report for all budget lines within the annual general appropriations act; and
  - Any additional information that is deemed reasonable and necessary by the controller; and
- Require the department to submit a monthly budget report to the transportation commission of the expenditures made from each budget category and the unexpended and unencumbered balance of each budget subcategory and to

make each report publicly available on the department's website.

**APPROVED** by Governor May 7, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1076** Carpooling service - registration with the department of transportation required - limitations on service - disclosure to passengers. The act requires the owner or operator of a carpooling service internet application (internet application) to register annually with the department of transportation. Owners or operators are also required to disclose to users of the internet application that carpooling service companies are not regulated by the state; that the state does not conduct medical examinations, vehicle inspections, or insurance verification in relation to the provision of carpooling service; and that background checks on drivers might not be conducted. The act also requires that the amount that can be charged to a user through the internet application be reasonably calculated to cover the direct and indirect costs of providing carpooling service and limits the number of passengers that a driver providing carpooling service through the internet application may transport at any one time.

The act also limits each driver providing carpooling service to one trip per day and defines "carpooling service" as a trip that is at least 23 miles between pick-up and drop-off points or a trip to or from a ski area, regardless of distance.

**APPROVED** by Governor April 19, 2021

**EFFECTIVE** April 19, 2021

**H.B. 21-1186** Regional transportation district - competitive contracts for vehicle service - farebox recovery ratios - developments at district facilities - parking at district facilities. The act amends provisions related to the operation of the regional transportation district (district), including:

- Amending a cap on the amount of all vehicular service the district can allow to be provided by third parties under competitive contracts to be measured by platform time or its equivalent;
- Expanding the types of entities the district can contract with to include nonprofit organizations and local government;
- Repealing farebox recovery ratio requirements and requiring the district to include in its annual financial reports information on annual operating costs, ridership numbers, and operating costs divided by ridership as a measure of the cost efficiency of its services;
- Repealing a limitation on developments that would reduce parking at a facility or result in a competitive disadvantage to private businesses near the facility; and
- Repealing limitations on the district's authority to charge fees and manage parking at district parking facilities.

**APPROVED** by Governor May 24, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1196** Transportation funding - correction of error that could have led to unintended issuance of certificates of participation. In 2017, the general assembly (GA) enacted Senate Bill 17-267, which required the state treasurer to issue up to \$500 million of lease-purchase agreements (COPS) in each of the 2018-19, 2019-20, 2020-21, and 2021-22 state fiscal years for the purpose of funding transportation projects. Subsequently, in a series of 4 bills, the GA referred a statewide ballot issue, initially at the November 2019 statewide election but thereafter twice modified and delayed until the 2021 statewide election, that, if approved, would have authorized the state to issue transportation revenue anticipation notes (TRANS) for the purpose of funding transportation projects and prevented the issuance of the state fiscal year 2021-22 COPS.

The GA intended that, upon approval of the ballot issue, the TRANS authorized would replace the unissued COPS as a source of funding for transportation projects. The act amends the effective date clause of one of the 4 bills to prevent the unintended consequence, resulting from the interplay of the bill with another one of the 4 bills, that TRANS could be authorized without preventing the issuance of the state fiscal year 2021-22 COPS. However, the act has no practical effect because Senate Bill 21-260 repealed the requirement that a statewide ballot issue seeking authorization for the issuance of TRANS be referred to the voters at the 2021 statewide election.

**VETOED** by Governor July 2, 2021

## WATER AND IRRIGATION

**S.B. 21-189** Colorado water conservation board construction fund - water projects - appropriations - transfers - reinstating severance tax funding of water efficiency grant program - reinstating appropriation for water education. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund to the CWCB or the division of water resources in the department of natural resources for the following projects:

- Continuation of the satellite monitoring system, \$100,000 (section 1 of the act);
- Continuation of the Colorado floodplain map modernization program, \$500,000 (section 2);
- Continuation of the weather modification permitting program, \$350,000 (section 3); and
- Continuation of technical assistance for federal cost-share programs, \$300,000 (section 4).

Section 5 directs the state treasurer to transfer up to \$2,000,000 from the CWCB construction fund to the litigation fund on July 1, 2021.

Section 6 appropriates \$3,000,000 from the CWCB construction fund to the department of natural resources for use by the CWCB to make a grant to the Colorado Rio Grande Restoration Foundation in furtherance of the San Luis valley confined aquifer recovery project.

Section 7 reinstates severance tax funding of the water efficiency grant program by authorizing a transfer of \$550,000 in each state fiscal year commencing on or after July 1, 2020, from the grant program reserve of the severance tax operational fund, which reserve is part of the "tier 2" funding that is used only if the general assembly chooses not to spend 100% of the money in the operational fund on core departmental programs, to the water efficiency grant program cash fund. The reinstated funding is repealed on July 1, 2030, when the water efficiency grant program is scheduled to repeal.

Section 8 restores the continuous appropriation of \$150,000 from the CWCB construction fund to the CWCB for the ongoing operations of a water education foundation, which is currently known as Water Education Colorado, which continuous appropriation was repealed in HB 20-1403, enacted in 2020.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**S.B. 21-234** Department of agriculture - drought resiliency - fund - appropriation. The act creates the agriculture and drought resiliency fund (fund), directs the state treasurer to transfer \$3 million from the general fund to the fund, and appropriates the money from the fund to the department of agriculture (department). The department will use the fund to anticipate, prepare for, mitigate, adapt to, or respond to any event, trend, or climatological



disturbance related to drought or climate. The department will distribute \$15,000 from the fund to each conservation district by July 1, 2021. The fund is repealed, effective September 1, 2022.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**S.B. 21-240** Colorado water conservation board construction fund - watershed restoration program - appropriation. The act transfers \$30 million from the general fund to the Colorado water conservation board construction fund and appropriates the money for use by the Colorado water conservation board (CWCB) to protect watersheds against the impacts of wildfires through the existing watershed restoration grant program and for conducting a statewide watershed analysis to investigate the susceptibility of life, safety, infrastructure, and water supplies to wildfire impacts. The CWCB can use up to 5% of the money to administer the grant program and up to 10% to provide technical engineering services to grantees. The CWCB is directed to:

- Spend up to \$500,000 by December 31, 2022, to conduct the analysis; and
- Award at least \$10 million dollars in grants under the grant program by July 1, 2022, and award the remaining money, less the money the CWCB uses to administer the grant program and provide technical engineering services, in grants by December 31, 2022.

**APPROVED** by Governor June 15, 2021

**EFFECTIVE** June 15, 2021

**H.B. 21-1046** Mutual ditch corporations - distribution of water among stockholders. For a mutual ditch corporation, the act clarifies that, subject to the articles of incorporation and bylaws of the corporation:

- When stockholder demand exceeds supply, the corporation may limit or otherwise rotate delivery of water ratably among the stockholders; and
- When a stockholder is not using some of or all of the available water under the stockholder's shares, the remaining stockholders taking delivery of water through the ditch may use any unused portion of the water that would otherwise have been available to the first stockholder.

The act specifies that it is not intended to prevent a stockholder from changing the use of the water rights represented by the stockholder's shares, create any impediments to changes in use, affect storage water rights, or change the standards for water court approval to change a water right.

**APPROVED** by Governor May 20, 2021

**EFFECTIVE** September 7, 2021

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 21-1260** State water plan - implementation - general fund - appropriation. The act allocates \$20 million from the general fund to the Colorado water conservation board (CWCB) to be spent to implement the state water plan as follows:

- \$15 million, which is transferred to the water plan implementation cash fund and appropriated to the department of natural resources for expenditures and grants administered by the CWCB to implement the state water plan; and
- \$5 million, which is transferred to the water supply reserve fund for the CWCB to disperse to the basin roundtables.

The act also establishes a minimum 25% matching fund requirement for the water plan implementation grant program; except that, during 2021 and 2022, the CWCB can reduce the minimum match requirement.

**APPROVED** by Governor June 24, 2021

**EFFECTIVE** June 24, 2021

**H.B. 21-1268** Measurement of water supplies and usage - emerging technologies - university studies - reports to general assembly - appropriations. The act declares that new technologies, such as blockchain, telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring, management, conservation, and allocation of water to fulfill obligations under Colorado water law and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the act:

- Authorizes and directs the university of Colorado and Colorado state university, in collaboration with the Colorado water institute at Colorado state university, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates \$20,000 to each university from the general fund, contingent on the universities' receipt of a matching \$40,000 in gifts, grants, and donations on or before June 1, 2022, for the purpose of funding the feasibility studies and pilot deployments.

The universities are directed to report on the amounts and sources of money received through gifts, grants, and donations and the purposes to which those amounts were devoted, on their websites, in any published reports produced by the universities, and in the annual "SMART Act" hearings held by the general assembly.

**APPROVED** by Governor June 18, 2021

**EFFECTIVE** June 18, 2021

**Note:** The appropriation section of the act takes effect only if the university of Colorado, Colorado state university, or both, certify in writing to the state controller that a total of at least \$40,000 in gifts, grants, and donations has been received for the purposes of this act.

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